


MHKO160005452025 	<u>ORDER BELOW EXH. 1 IN CRI.M.A. NO. 53/2025</u>
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1. This is an application filed by the complainant u/s. 142(b) of the Negotiable Instrument Act for condonation of 202 days delay for filing complaint u/s. 138 Negotiable Instrument Act (hereinafter referred to as the Act). It is the contention of complainant that advocate of complainant was ill. Some documents were not found during the renovation of advocate office. Documents were found at the end of June. Amount due by the accused is public money, therefore, such amount must be recovered from the accused. Complainant was not negligent to file complaint. Due to reason, delay of 202 days was caused to the complainant. According to the complainant, he had sufficient cause for not making complaint within limitation period and requested to condone delay for filing the complaint u/s. 138 of the Act.

2. The respondent was served with the notice of this application. He filed say at Exh.7. He states that application is false. Application is made only with intent to harass the respondent. Complaint not filed within limitation. There is a huge delay of 202 days. Complainant failed to give satisfactory reasons. Hence, application is liable to be rejected.

3. In this respect, I heard learned advocate for the complainant, perused the application supported with the affidavit.

4. This application is filed on 05/07/2025. Due to the illness of advocate for complainant and during the renovation of the office document could not found to the clerk and Jr. advocate, therefore, complainant could not file the complaint within time. The delay is not intentional. Thus, considering the above discussion, I am of the opinion that complainant had sufficient cause for not making a complaint u/s. 138 of the Act, within limitation period. Hence, application deserves to be allowed. Accordingly, I have passed following order.:

ORDER

1. The application is allowed.
2. The delay of 202 days caused to the complainant for filing complaint u/s. 138 of the N.I. Act is hereby condoned and complaint along-with the application is to be registered as summary criminal case.
3. Accordingly, application is disposed off.

Date : 23/04/2026
Place: Shahuwadi

(S. D. Bagal)
Judicial Magistrate First Class,
Malkapur Shahuwadi,