

Order below Exh.1 in Cri. M. A. No. 136 of 2021

The applicant has filed present application U/s. 142 of The Negotiable Instrument Act to condone the delay of 31 days. The applicant contended that due to his illness, he could not file complaint within limitation. Notice was issued to the non-applicant. He failed to appear before Court. Thus, the application proceeded without his say and argument.

02] Perused the record, document and written argument filed on record. Heard, learned counsel for the applicant.

03] It is pertinent to note that cheque was dishonoured on 20.03.2021. The applicant had sent notice to non-applicant on 08.07.2021. The notice is sent after period of approximate four months. Further, the notice is served on 15.07.2021 to non-applicant. Present complaint is filed on 30.09.2021. The hon'ble Supreme Court in Suo Moto Writ Petition No. 3 of 2020 order dated 23.09.2021 excluded the period of limitation between 15.03.2020 to 02.10.2021 including the period under provisos (b) and (c) of Section 138 of the Negotiable Instruments Act. The Hon'ble Supreme Court due to pandemic condition of Covid-19 excluded period of limitation. Further, the order dated 10.01.2022 of Hon'ble Supreme Court also excluded period between 15.03.2020 to 28.02.2022. Thus, the applicant has issued notice to the non-applicant within a period after dishonour of cheque as well as instituted present application within the period of limitation. Thus, there is no delay for filling of complaint or

application against the accused/non-applicant. Hence, present application is liable to be allowed. Hence, I pass following order.

Order

01] Application is allowed.

02] Present complaint be registered as Summary Criminal Case.

Date : 28.05.2026
Renapur

(D.M.Gitte)
1st Judicial Magistrate F.C.,
Renapur