

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS
20TH COURT, MAZGAON, MUMBAI

C.C. No.575/MISC/2025

Compuage Infocom Ltd	V/s	... Complainant
1. Arun Computers & Ors		... Accused

ORDER BELOW DELAY CONDONATION APPLICATION EXH.4

Read. Heard. Perused the record.

The points for determination alongwith my findings are as under....

Sr. No.	Points	Findings
1	Whether the applicant complainant has satisfied that he had sufficient cause for not making this complaint within the statutory period of limitation ?	As per final order.
2	What order ?	As per final order.

REASONS

AS TO POINT NOS. 1 & 2 :-

2 It is stated that :- the case has already been assigned to one advocate. However, she could not proceed with the complaint as per law. Thereafter, the complainant had opted to appoint present advocate. Necessary decision and approval have been taken after time consuming process. There is no deliberate delay on part of the complainant to present the complaint. Therefore, the delay caused in presentation of the complaint. The respondent/accused have been intimated to file say in view of the postal receipts, track reports Exhs.7 to 17. Despite the



same, none has appeared for the respondent/accused. The application has remained unchallenged.

3 The Hon'ble the High Court of Bombay in case law **Hiren Ashwin Shah Vs. The State of Maharashtra, 2024 SCC Online Bombay 736** has observed that :

“The aforesaid being the nature of the proceedings under Section 138 of the Act, 1881, the circumstances in which the complainant could not lodge the complaint, within the prescribed period, deserves to be apprised in a slightly different perspective than a case where the prosecution is under an enactment, the primary object of which, is punitive. The conduct of the parties also becomes relevant. If the drawer by his acts and omissions makes the payee forebear from lodging the complaint, within the prescribed period, and the complainant was, thus, made to alter his position believing the representations of the drawer, in my considered view, that would be a relevant consideration and may constitute a sufficient cause. Albeit such an enquiry is rooted in the facts of a given case”.

4 Prima facie, the cheque, the bank return memo, the demand notice, postal receipts, returned envelope, track report would indicate that the subject cheque has been issued and got dishonoured. Where-after, the demand notice has been issued which was duly served. However, the complaint could not be presented within the stipulated period of limitation.



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Hence, permission can be granted so that the dispute can be adjudged on merits. Accordingly following order is passed.

ORDER

1.

The delay caused in presentation of the complaint is hereby condoned in view of Section 142 of the Negotiable Instruments Act.

2.

The office to register the complaint as per rules.



(V.B. Gulve-Patil)

Date : 28.01.2026

Judicial Magistrate First Class,
20th Court, Mazgaon, Mumbai.