

Criminal Misc. Application No. 58/2026
Govind Dadabhau Kurundale Vs Atul Sampat Ingale

CNR No : MHPU200007722026

ORDER BELOW EXH-1

The present application is filed for con-donation of delay which has been occurred to file the private complaint under the section 138 of The Negotiable Instruments Act, 1881.

02. The applicant contended that, the present opponent has issued a cheque in favour of the applicant of Rs.4,95,000/-, bearing no.000003 dated 28/11/2025. The said cheque was dishonored due to "Funds Insufficient". Accordingly, the applicant has issued a legal demand notice to the opponent dated 31/12/2025. The said notice was received by the opponent on 06/01/2026. However, the opponent failed to pay the disputed amount to the applicant. The time to file the complaint accrues in favour of the applicant. It was incumbent on the part of the applicant to file the private the application within the statutory period of 22/01/2026to 21/02/2026. However, in the mean time due to the opponent was ill during the interim period i.e. from the 14/02/2026 to 25/02/2026 and admitted in Shri Ganesh Hospital, Shirur, and file the complaint within the statutory period. Hence, the applicant prays to condone the said delay and permission to file the private complaint against the opponent.

04. In the present case, the cheque was dishonored on 15/12/2025 and the notice was issued on 06/01/2026. Even after

the service of notice the opponent failed to comply with the said notice. Therefore the applicant must have filed complaint within the statutory period of 22/01/2026 to 21/02/2026. However, the applicant had filed the present complaint on 06/03/2026 after the lapse of statutory period. Therefore it is necessary to see whether the applicant satisfied the court that there was sufficient cause for not making the complaint within the prescribed time.

05. The applicant submitted that, the opponent was ill during the interim period i.e. from the 14/02/2026 to 25/02/2026 and admitted in Shri Ganesh Hospital, Shirur, therefore, he was unable to institute the complaint earlier. The application is supported by the affidavit of the applicant. Therefore, I inclined to say that, sufficient cause has been shown by the applicant for not making the complaint within the prescribed time. If by taking technical approach, the complaint is dismissed substantial loss would be sustained by the applicant, and opportunity of being heard should be granted to the complaint to prosecute his remedy. Section 142 (c) the proviso clause empowers the court to take cognizance if the applicant has satisfies the court that there was sufficient cause has been shown by the applicant. **Resultantly, I proceed to pass following order,**

ORDER

01.	Application is allowed.
02.	The Private complaint under the section 138 of the Negotiable Instruments Act, 1881 be registered as per rules.
03.	The Criminal Misc. application No. 58/2026 is

	reconverted in Summary Criminal Case for the offence Punishable U/sec. 138 of the Negotiable Instruments Act.
04.	After re-registration of the case allocate the same for verification of the complainant.

Date: 18/03/2026.

(C. M. Kharkar)
Judicial Magistrate F.C, (Court No. 4)
Ghodndi Shirur (MHPU20-3003)