

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, KARUR

PRESENT:- THIRU K.H.ELAVAZHAGAN, B.Sc., M.L.,

DISTRICT AND SESSIONS JUDGE.

Thursday, the 02nd day of April 2026

Crl.M.P.No.1552/2025

[CNR.No.TNKR-01-003209-2025]

S. Venkatesan

.. Petitioner/Revision Petitioner/Complainant

/Vs/

S. Karthik

... Respondent/ Respondent / Accused

This petition coming on for final hearing before on 24.03.2026 in the presence of Thiru. N. Prakash, advocate for the Petitioners and Thiru. A.S.Senthilnathan, advocate for the respondent and upon hearing the arguments on the both sides and having stood over for consideration till this day, this Court has passed the following.

ORDER

This petition was filed by the petitioner/revision petitioner/ complainant under Rule 154 of Criminal Rules of Practice seeking to condone the delay of 129 days in filing the criminal revision.

2. Brief facts of the petition averments would run is as follows:-

2(1) The petitioner is the revision petitioner and the respondent is the respondent in the main criminal revision. The petitioner states that he has filed a petition in Crl.M.P.No.168/2024 seeking to condone the delay in representing the main complaint before the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur and the same was dismissed on 01.02.2025. As against the said order of the trial Court in dismissing the said petition, the petitioner/revision petitioner/complainant has preferred the revision before this Court.

2(2) The petitioner states that the trial Court has failed to appreciate and consider the petition filed by him without taking into consideration of the affidavit filed by him. Further, he states that already he has filed the private complaint within

time and the same was very well within time as prescribed under law. The petitioner further states that the said private complaint filed by him was returned for some compliance, but his previous counsel has failed to intimate the same to him. Further, the petitioner states that there is no mistake on his part to represent the private complaint since he bonafidely believe that the complaint was automatically taken on file on his first presentation itself. But the non-representation of the main complaint is only through the communication gap between him and his counsel. But the trial Court without taking into consideration of the above aspect has dismissed the petition filed by him.

2(3) Further, the petitioner states that the trial Court has mentioned as he has participated in the legal proceedings in the civil suit filed against the respondent and filed to follow the private complaint is totally wrong. Even though he has mentioned in the affidavit why the private complaint was not represented within time prescribed under law without looking into the affidavit particulars, the trial Court has dismissed the petition is totally wrong. Further, the trial Court has failed to consider subsequent return of the private complaint and non-registration of the complaint also, the petitioner/complainant received the bundles from his previous counsel and handed over the bundles to the present counsel and arrange to represent the private complaint and the petitioner/complainant's present counsel required the documents with regard to the first presentation and the same was subsequently arranged the case bundles and the petitioner has received the same and handed over to the present counsel and the respondent made plan to escape from both liabilities and filed counter with false averments.

2(4) The trial Court has failed to consider the delay in representing the main complaint had arose due to the communication gap between the petitioner/complainant and his counsel. The trial Court has failed to consider the fact that the value of the right of the petitioner/revision petitioner/complainant was affected due to the dismissal of the above main petition. The trial Court has not properly exercised its jurisdiction. Further, the petitioner states that he has got

sufficient grounds to succeed in the revision and allow the CrI.M.P.No.168/2024 filed by the petitioner/complainant. He further states that his counsel applied for certified copies of the dismissal order passed in CrI.M.P.No.168/2024 and the same was ready in the last week of February 2025 and the counsel for the petitioner/complainant has also received the same on last week of February 2025 and handed over the same to his office staff to prefer revision. But he failed to do so. Now, he got back the certified copies and filed this revision with delay of 129 days. The delay is neither willful nor wanton. Hence, prays to condone the delay.

3. Brief facts of the counter filed by the respondent/ respondent /accused would run is as follows:-

3(1) The respondent/respondent/accused has stated that the petitioner has not shown any sufficient cause for the said period of delay. Further, the respondent states that in the condone delay petition in CrI.M.P.No.168/2024, the petitioner has simply explained and justified that his previous counsel did not file the main complaint within time and further, he stated that only after getting the bundle from the previous counsel, the present counsel has represented the complaint and hence, the delay of 616 days was caused in representing the complaint. Without this explanation, there was no such unavoidable circumstances caused for such huge delay of 616 days in representing the main complaint. The trial court very cautiously with proper application of mind has dismissed the said petition.

3(2) Further, the respondent states that the petitioner in his petition has admitted that he has filed civil cases against the respondent. Evidently, a money suit is filed against this respondent which is numbered as O.S.No.195/2022 pending before this Court. Apart from these cases, the petitioner has filed many civil and criminal cases against the respondent in various Courts in the name of another person. The main complaint was not filed to realize a legally enforceable debt borrowed by the respondent. The petitioner has been negligent at every stage of proceedings. The main complaint u/s.138 of NI Act was not represented in time. The condone delay petition for the main complaint in CrI.M.P.No.168/2024 for 616 days

was dismissed on merit. The revision was not filed within the limitation period. Now again, a second delay condonation petition is filed in the above said number. Further, the petitioner did not justify reasonable cause for each and every singly day of 129 days in filing the revision petition. The affidavit contains only vague and meaningless statements. The delay of 129 days in filing the revision petition is substantial and inordinate and not supported and justified by reasonable cause. The present petition is an abuse of process of law and filed only to harass the respondent. Hence, prays to dismiss this petition.

4) This Court considered the rival submissions on both sides.

5) The point for consideration is

i) Whether the petitioner has shown sufficient cause to condone the delay?

ii) Whether this application can be allowed or not?

ANSWER TO THE POINT Nos.1 and 2:-

6) **I have perused the materials on record.** The petitioners/revision petitioner/complainant have preferred this application u/s.154 of Criminal Rules of Practice seeking to condone the delay of 129 days in filing the revision.

7) The petitioner/revision petitioner/complainant has filed the criminal revision as against the order passed by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur in CrI.M.P.No.168/2024 seeking to condone the delay of 616 days in representing the main complaint u/s.138 of NI Act. The trial Court after hearing both sides have dismissed the said application.

8) Aggrieved over the above said order, the petitioner/revision petitioner/complainant has preferred the criminal revision petition with delay of 129 days contending that there is no mistake on his part to represent the private complaint since he bonafidely believe that the complaint was automatically taken on file on his first presentation itself. But the non-representation of the main complaint is only through the communication gap between him and his counsel. Further, he contends that the value of the right of the petitioner/revision petitioner/complainant was

affected due to the dismissal of the above main petition. The trial Court has not properly exercised its jurisdiction. Further, the petitioner contends that he has got sufficient grounds to succeed in the revision and allow the Crl.M.P.No.168/2024 filed by him. He further contends that his counsel applied for certified copies of the dismissal order passed in Crl.M.P.No.168/2024 and the same was ready in the last week of February 2025 and the counsel for the petitioner/complainant has also received the same on last week of February 2025 and handed over the same to his office staff to prefer revision. But he failed to do so. Now, he got back the certified copies and filed this revision with delay of 129 days. The above said delay is neither willful nor wanton. Hence, he prays to condone the delay.

9) The respondent/respondent/accused has contended that the main complaint u/s.138 of NI Act was not represented in time. The condone delay petition for the main complaint in Crl.M.P.No.168/2024 for 616 days was dismissed on merits. The revision was not filed within the limitation period. Now again, a second delay condonation petition is filed in the above said number. Further, the petitioner did not justify reasonable cause for each and every singly day of 129 days in filing the revision petition. The affidavit contains only vague and meaningless statements. The delay of 129 days in filing the revision petition is substantial and inordinate and not supported and justified by reasonable cause. The present petition is an abuse of process of law and filed only to harass the respondent. Hence, prays to dismiss this petition.

10) It is seen that there was a delay of 129 days in filing the appeal. Almost nearly for four months, the petitioner/revision petitioner/complainant has belatedly filed this application. The petitioner/revision petitioner/complainant has simply stated that the non-representation of the main complaint is only through the communication gap between him and his counsel and he contends that he has got sufficient grounds to succeed in the revision and allow the Crl.M.P.No.168/2024 filed by him. The petition/revision petitioner/complainant has not produced any document in order to prove his contentions. Further, it is seen that the petitioner/revision

petitioner/complainant has not shown any sufficient cause for the delay of 129 days. However, in the interest of justice in order to give fair chance to the petitioner/revision petitioner/complainant, the delay of 129 days caused by the petitioner/revision petitioner/complainant can be condoned. In fine, this petition is allowed. Accordingly, point nos. 1 and 2 are answered.

In the result, this petition is allowed and the delay is condoned.

Dictated to the Steno-typist, typed by her directly on computer on my dictation, corrected and pronounced by me in open Court on the 02nd day of April 2026.

DISTRICT AND SESSIONS JUDGE,
KARUR.