



**CrI.M.P.No.6 of 2026**

**IN THE COURT OF FAST TRACK AT MAGISTERIAL LEVEL,KARAIKUDI.**

**PRESENT: THIRU.J.KARMEGAKANNAN, B.A.,B.L.,**

**Judicial Magistrate,**

**Fast Track Court at Magisterial level,**

**Karaikudi (FAC),**

**Dated this the 16<sup>th</sup> day of March, 2026**

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**CNR No. TNSV12 -000620 - 2025**

Balamurugan (45/2025),

S/o.Kasilingam(Died),

Old D/No. 49, New D/No.18,

Veerapathran Street,

Idaiyar Street,

Karaikudi Town,

Sivagangai District

..... Complainant

**-vs-**

Renuka (35/2025),

W/o.Marimuthu,

D/No.33, Ponnalagi Nagar,

O.Siruvayal,

Karaikudi Taluk,

Sivagangai District

.... Accused

This petition was taken on file before this court and numbered as CrI.M.P.No.06 of 2026 and came up for final hearing before me on 16.03.2026 in the presence of Thiru.Sivapandian the learned counsel for the complainant and upon hearing the arguments and perusing all the



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connected materials, having stood over for consideration till this day, this court do the following:

**ORDER**

1.The present petition has been filed under Section 142(b) of the Negotiable Instruments Act, 1881, seeking to condone the delay of 11 days in filing a complaint under Section 138 of the Act.

2. The petitioner has submitted that he and the respondent have known each other for the past five years and that the respondent had approached him for a sum of Rs. 2,00,000/-, which the petitioner duly advanced on 20.07.2025. In consideration of the said amount, the respondent issued a cheque bearing number 026969 dated 26.09.2025 drawn on Bank of India, Kundrakudi Branch. The petitioner deposited the cheque in his account at IDBI Bank, Karaikudi, on 26.09.2025, however, the same was dishonoured on the same date with the remark that the account had been closed. Following the dishonour of the cheque, the petitioner sent a legal notice on 18.10.2025, which was received by the respondent on 21.10.2025. As per the statutory requirement under Section 138 of the Negotiable Instruments Act, the complaint ought to have been filed within one month from the date of receipt of the legal notice, that is, on or before 05.12.2025. The



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petitioner, however, states that he was unable to file the complaint within the stipulated period as he had to travel to Malaysia. On this ground, he has prayed for condonation of the delay of 11 days in filing the complaint.

3. The notice to the respondent was duly issued, but the respondent chose not to appear before this Court. This Court has heard the learned counsel for the petitioner and has perused the material on record.

4. It is observed that the petitioner has provided sufficient explanation for the delay, which is primarily due to his unavoidable travel abroad and not on account of negligence or any mala fide intention. In support of his contention, the petitioner has also produced a copy of his passport, wherein the emigration and immigration entries clearly reflect his travel to Malaysia during the relevant period. The petitioner has also placed on record the documents relating to the issuance and dishonour of the cheque, as well as proof of service of the legal notice, which prima facie establishes the genuineness of the claim and the delay.

5. It is a settled position of law that the power to condone delay under Section 142(b) of the Negotiable Instruments Act is discretionary, and the court is required to examine whether the explanation offered for the delay is reasonable, sufficient, and bona fide. In the present case,



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considering the circumstances, the petitioner's explanation for the delay is reasonable and acceptable. The fact that the respondent has chosen not to contest the petition further strengthens the petitioner's case for relief.

6. In view of the above discussion and on careful consideration of the facts and law, the delay of 11 days in filing the complaint under Section 138 of the Negotiable Instruments Act is hereby condoned. The petition is allowed with costs of Rs. 1,000/-, which shall be paid by the petitioner to the Hon'ble District Legal Services Authority, Sivagangai, on or before 25.03.2026, and proof of such payment shall be filed before this Court. It is further ordered that in the event of failure to make the payment as directed, the petition shall automatically stand dismissed without any further notice.

Pronounced by me in the open court, this the 16<sup>th</sup> day of March, 2026.

Judicial Magistrate,  
Fast Track Court at Magisterial level,  
Karaikudi(FAC).