

**IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE
AT TIRUVALLUR**

Present: Dr. J. JULIET PUSHPA, Ph.D. (Law)
Principal District and Sessions Judge, Tiruvallur

Friday, the 27th day of March, 2026

Crl.M.P.No.561/2026 in Unnumbered

Crl.Appeal Filing No.763/2026

(CNR No. TNTR010009552026)

G.K. Ramesh, S/o Krishnasamy

.... Petitioner/ Appellant/accused

/Vs/

S. Velavendan, S/o Chellaiah

....Respondent/Respondent/complainant

This petition coming on this day, before me in the presence of M/s P. Chandrasekar, M. Sathyasai Eswari, learned counsel for the petitioner and M/s M. Ramachandiran, R. Srinivasan, V. Vigneshwari, learned counsel for the respondent and upon hearing the arguments of petitioner and having the respondent not filed counter, upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner/Accused/ Appellant under section 5 of Limitation Act praying to condone the delay of 20 days in filing Criminal appeal as against Judgment of Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur in STC No.41/2024 dated 15.12.2025

2. The averments in the petition in brief :

The petitioner is the complainant in STC No.41/2024 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur. The petitioner filed complaint u/s 200 Cr.P.C. for the offence u/s 138 of Negotiable Instruments Act as against the petitioner. The Trial Court passed judgment on 15.12.2025 convicting the petitioner/ accused thereby sentenced him to undergo six months simple imprisonment and compensation of Rs.7,00,000/- u/s 357(3) of Cr.P.C. within 30 days from the date of the judgment , in default to undergone further one month simple imprisonment. Since the petitioner is financial weak and also he was working as Driver and on duty in other States, he could not approach his counsel for filing appeal , so he was unable to present the appeal within the stipulated time. There is a delay of 20 days which is neither willful nor wanton but due to the above said bonafide reason. If the delay is not condoned, he will be put to irreparable loss. Hence, prayed to condone delay of 20 days in filing the Appeal.

3. The averments in the counter filed by the respondent in brief ;

The respondent contends that the trial court rightly convicted the petitioner/accused. The petitioner was fully aware of the judgment of the trial court, hence he cannot plead ignorance of the same or limitation period for filing the appeal. The reasons stated for the delay is vague, bald and not supported by any material documents. The petitioner has not established the cause of delay for condoning the delay. Condoning the delay is not a matter off right , but the

petitioner has failed to explain satisfactorily each and every day of delay. Hence, the delay cannot be condoned in routine manner as per the dictum of the Hon'ble Apex Court reported in **2013 (14) SCC 81** (Basawaraj and another Vs. Special Land Acquisition Officer) **2010 SCC Online Mad 2307** (R. Ramesh V. Ranganathan) , **2019 SCC Online Mad 10463** (S. Rajendran Vs. N. Balasubramanian) and 2013 . This petition has been filed only to protract the proceedings and to evade the compensation imposed by the trial Court, hence prayed to dismiss the petition.

4. No oral or documentary evidence adduced by both side.

5. Now, the point for consideration is

1. Whether the petitioner is entitled for the relief as prayed for?

2. Whether this petition is to be allowed ?

6. POINTS:

Heard both side. Perused records.

The petitioner herein filed the present petition u/s 5 of the Limitation Act to condone the delay of 20 days in filing Criminal Appeal as against the judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Tiruvallur in STC No.41/2024 dated 15.12.2025

7. Petitioner is the Accused before the Trial Court. The trial Court passed the judgment on 15.12.2025 and convicted the accused and sentenced him to undergo simple imprisonment for six months simple imprisonment and directed him to pay Rs.7,00,000/- as compensation u/s 357(3) Cr.P.C. to the

respondent/complainant within a period of one month, in default to the Accused to undergo simple imprisonment for further period one month. Having aggrieved by the said conviction and sentence of the trial court, the petitioner/accused preferred the Criminal Appeal with delay of 20 days and prayed to condone the delay.

8. The petitioner would contend that since he was working as Driver, he was travelling other States and also as he is financial weak, he could not approach his counsel immediately after the date of judgment, which caused the delay of 20 days in filing the appeal. The further contention of the petitioner is that if the delay is not condoned, serious prejudice and hardships will be caused to the petitioner as he is having good case on merits to succeed in the appeal and therefore prayed for allowing the application.

9. As against the Judgment of the Trial Court, the petitioner has the right of appeal. The reason stated by the petitioner is that due to his job of travelling to other States that he is a driver, the delay happened appears to be probable and acceptable, as the delay is 20 days.

10. Though the respondent contents that condoning the delay is not a matter of routine and also each and every day of delay is not explained by the petitioner as per the dictum of the Hon'ble Apex Court in **2013 (14) SCC 81** (Basawaraj and another Vs. Special Land Acquisition Officer), this court considers that no prejudice would be caused to the respondent by allowing this petition as the respondent will have ample opportunity to prove his case in the appeal as against

the petitioner in the appeal.

11. In the matters of condonation of delay, the Hon'ble Apex Court in catena of judgments reiterated that the expression "sufficient cause" must receive a liberal construction, so as to advance substantial justice and generally delays in preferring appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bonafides is imputable to the party seeking condonation of the delay.

12. Though the delay 20 days and though it is "cause of delay", but not the "length of the delay", in view of the decision of Hon'ble Apex Court in the Judgment reported in **2023 INSC 885** (*Sheo Raj Singh (died) through LRs and others Vs. Union of India & another*) held that

"It is upon the Courts to consider the sufficiency of cause shown for the delay, and the length of delay is not always decisive while exercising discretion in such matters if the delay is properly explained. Further, the merits of a claim were also to be considered when deciding such applications for condonation of delay..."

Further, a distinction should be drawn between inordinate unexplained delay and explained delay, where in the present case, the first respondent had sufficiently explained the delay on account of negligence on the part of the Government functionaries and the Government counsel on record before the reference court "

13. In this case, even though the petitioner has not filed any evidence or document to prove the reason stated by him, that due to his travel to Other States the delay happened appears to be probable and acceptable as the delay is only 20 days. No prejudice would be caused to the respondent as he will have ample opportunity to disprove the case of the petitioner in the appeal.

14. Therefore, considering all the above said facts and circumstances, in order to give an opportunity to the petitioner to prove her case, and in the interest of justice, this Court is inclined to allow this petition.

In the result, this petition is allowed.

Dictated to Steno-typist , transcribed and typed by him , corrected and pronounced by me in Open Court, this the 27th day of March, 2026

**PRINCIPAL SESSIONS JUDGE,
TIRUVALLUR**

Petitioner and respondent side witnesses and
Exhibits : Nil

**PRINCIPAL SESSIONS JUDGE,
TIRUVALLUR**