

**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

Thursday, the 26th day of February, 2026

Crl.M.P.No.4908/2025 in Unnumbered
Crl.Appeal Filing SR No.179/2026
(CNR No. TNTR010004352026)

Mr.R.Rajendran,
S/o. Raju,
No.7/194 A, Keelnadugani,
Gudalur village & Taluk,
Nilgiri District – 643211.

.... Petitioner/ Appellant/Accused

/Vs/

K. Sakthivel,
S/o.Kannan,
No.3, Gandhi Street, 1st Cross,
Vasantham Nagar,
Avadi, Chennai – 600 071

....Respondent/Respondent/Complainant

This petition coming on this day, before me in the presence of M/s.D. Velu, G. Lavanya, Balachandran, learned counsel for the petitioner and M/s. V. Rajeshkanna, S. Sathyaraj, N. Maran, 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 102 days in filing Criminal appeal as against Judgment of Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur in STC No.626/2018 dated 19.06.2025.

2. The averments in the petition in brief :

The petitioner is the accused in STC No.626/2018 on the file of Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur. The respondent 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 19.06.2025 convicting the petitioner/ accused and sentenced him to undergo simple imprisonment for one year and to pay Rs.8,50,000/- with an interest rate of 9% per annum from the date of dishonour as laid down by the as compensation u/s 357(3) Cr.P.C./395 of BNSS to the respondent/complainant within one month, in default to the Accused to undergo further period of two months simple imprisonment. Since the petitioner met with an accident and was suffering due to serious illness, he could not approach his counsel and he received the certified copy of the judgment on 31.10.2025, and there is delay in filing the appeal, which is neither wilful nor wanton. Hence, there is a delay in filing the appeal is neither willful nor wanton, if the delay is not condoned, he will be put to irreparable loss. Hence, prayed to condone delay of 102 days in filing the Appeal.

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

The respondent resisted the petition stating that the petitioner failed to provide sufficient cause for the delay of 102 days. The reason stated about the

medical treatment is vague, unsubstantiated and lack documentary evidence. Only since NBW was issued against the petitioner on 19.07.2025 and warrant to Devala Police station, Nilgiri District and directed to arrest the accused, and produced before the Court, in such circumstances only he has come forward with this petition. The petitioner is well aware of the proceedings and the limitation and this petition is a sheer negligence and wait and watch tactics intended to harass the respondent and to evade the order of compensation, hence prayed to dismiss the petition.

4. No oral or documentary evidence adduced on both sides.

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 sides. Perused records.

The petitioner herein filed the present petition u/s 5 of the Limitation Act to condone the delay of 102 days in filing Criminal Appeal as against the judgment of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur in 19.06.2025 in STC No.626/2018.

Petitioner is the Accused before the Trial Court. The trial Court convicted the accused and undergo simple imprisonment for one year and to pay Rs.8,50,000/- with an interest rate of 9% per annum from the date of dishonor towards as compensation u/s 357(3) Cr.P.C. to the respondent/complainant within one month, in default to the Accused to undergo further Two months simple imprisonment.

Having aggrieved by the said conviction and sentence of the trial court, the petitioner/accused preferred the Criminal Appeal with delay of 102 days and prayed to condone the delay.

7. The petitioner would contend that due to illness caused by an accident as he was under medical treatment, he could not contact his counsel, thus, he could not file the appeal in time. 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.

8. As against the Judgment of the Trial Court, the petitioner has the right of appeal. The reason stated by the petitioner that only due to serious illness caused due to an accident, he could not find advocates to file the appeal, appears to be probable and acceptable. Though the respondent contends that the reason is not substantiated by documentary evidence, 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.

9. 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.

10. Though the delay 102 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 ”

11. In this case, even though the petitioner has not filed any evidence to prove the reason stated by he him and also he has filed the appeal only after the issuance of NBW by the trial Court, reason stated that he met with an accident and was under medical treatment, which caused delay of only 102 days appears to be probable and acceptable. No prejudice would be caused to the respondent as they will have ample opportunity to disprove the case of the petitioner in the appeal.

12. Therefore, considering all the above said facts and circumstances, in order to give an opportunity to the petitioner to prove his case, and in the interest of justice, this Court is inclined to allow this petition. However, considering the period of delay, this court inclined to allow the petition on condition.

In the result, this petition is allowed on payment of costs, Rs.2500/- to be paid to the respondent on or before 05.03.2026. Call on 06.03.2026

Dictated to Steno-typist , transcribed and typed by him , corrected and pronounced by me in Open Court, this the 26th day of February, 2026

**PRINCIPAL SESSIONS JUDGE,
TIRUVALLUR**

**Petitioner & Respondent side
Witnesses and exhibits : NIL**

**PRINCIPAL SESSIONS JUDGE,
TIRUVALLUR**