

In the Court of the Principal District and Sessions Judge,

Virudhunagar District at Srivilliputtur

Present:-Thiru.A.Kanthakumar, M.L.,

Principal District and Sessions Judge,

Friday, this the 24th day of July' 2026

Cr.M.P.No.1253/2026

CNR No.TNVR01-002213-2026

S.Satheshkumar, age-34/2026,
S/o. Seenivasan,
Door No.4/1692, Amman Nagar,
Naranapuram Road,
Pallapatti,
Sivakasi Taluk

...Petitioner/Appellant/accused

/Vs/

M.Rajapriya,
W/o.Muthubalaji,
Door No.725A/2C8,
Vaithoppu,
Standard Colony,
Sivakasi.

... Respondents/Complainant

This petition came before me for final hearing on 24.07.2026 in the presence of Thiru.P.Senthilkumar, Advocate for the petitioner/Appellant and Thiru.S.Sathiya Moorthy, Advocate for the Respondent/Complainant and upon hearing the arguments of both side and perusing the records, this Court delivered the following,

ORDER

The petitioner has filed this petition under section 5 of Limitation Act to condone the delay of 17 days in filing the appeal against the Judgment Dated:12.03.2026 passed by the learned Judicial Magistrate, Fast Track Court, Srivilliputtur in S.T.C.No.883/2025.

Petition averments in brief:-

2)The respondent filed a complaint against the petitioner under Section 138 of the Negotiable Instruments Act before learned Fast Track Judicial Magistrate, Srivilliputtur. The learned Trial Court pronounced judgment on 12.03.2026. The appeal ought to have been filed on or before 11.04.2026. However, during the relevant period, the petitioner had gone to Chennai to attend the funeral of a close relative and, therefore, could not file the appeal within the prescribed period. As a result, there was a delay of 17 days in filing the appeal. The delay was neither wilful nor deliberate, but occurred due to unavoidable circumstances. If the delay is not condoned, the petitioner will suffer irreparable hardship and lose the opportunity to challenge the judgment on merits. Hence, the petitioner prays that the delay of 17 days may be condoned.

Counter averments in brief:-

3) The respondent opposed the petition contending that the petition is not maintainable either in law or on facts. The reasons assigned by the petitioner is not acceptable. Though the petitioner has stated that he had gone to Chennai to attend the funeral of a close relative, he has neither disclosed whose funeral he attended nor produced any material or travel document in support of the said claim. Therefore, the explanation for the delay is vague and unsupported by any evidence. The petitioner has not shown sufficient cause for condoning the delay. Hence, the respondent prayed that the petition be dismissed.

4) No oral and documentary evidences let in on either side.

5) Now, the point for consideration is that whether the petition

deserves to be allowed or not?

6) Heard both sides. Records perused.

Answer to the point:-

7) On a careful consideration of the records and the submissions made on both sides, it is seen that the petitioner, being aggrieved by the judgment dated 12.03.2026 passed by the learned Fast Track Judicial Magistrate, Srivilliputhur, convicting and sentencing him for the offence under Section 138 of the Negotiable Instruments Act, has preferred the present appeal with a delay of 17 days. Hence, this petition has been filed under Section 5 of the Limitation Act seeking condonation of the said delay.

8) The learned counsel for the petitioner contended that the petitioner had gone to Chennai to attend the funeral of his close relative and, therefore, could not file the appeal within the prescribed period. It was further contended that the delay was neither wilful nor deliberate, but occurred due to unavoidable circumstances beyond his control.

9) Per contra, the learned counsel for the respondent opposed the petition contending that the petitioner has neither disclosed the particulars of the deceased relative nor produced any document to substantiate his claim of having travelled to Chennai.

10) It is true that the petitioner has not produced any documentary evidence in support of the explanation offered for the delay. However, the delay involved is only 17 days. The petitioner has preferred the appeal challenging the judgment of conviction and sentence passed by the Trial Court. A first appeal is a valuable statutory right of an aggrieved person to have the case considered on both facts and law. Therefore, considering

the short period of delay and in the interest of justice, this Court is of the view that the petitioner should be given an opportunity to prosecute the appeal on merits. Accordingly, this Court finds that the petition deserves to be allowed and this point is answered in favour of the petitioner.

11) In the result, this petition is allowed. The delay of 17 days in filing the appeal is condoned. No costs.

Dictated to the Steno-Typist, directly typed by her, then corrected and pronounced by me in open Court on this the 24th day of July 2026.

**Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.**

Principal District and sessions Court,
Srivilliputtur
Cr.M.P.No.1253/2026
24-07-2026
Order
