



Order below Exh.1 in Other. Criminal Misc.
Application No. 357/2022
CNR No. MHYA210021852022

1. This is an application for condonation of delay in filing the complaint under Section 138 of The Negotiable Instruments Act, 1881.
2. The notice is not issued to accused in view of ruling of *Hon'ble Jammu and Kashmir High Court reported in Sushant Bakshi V/s. Manju Ghosh 2011 ALL MR (Cri.) JOURNAL 129*, wherein a direct question whether accused is required to be heard in time barred complaint u/s. 138 of Negotiable Instruments Act was involved. The Hon'ble High Court in Para 17 to 24 has held that "Condonation of delay is essentially a matter between complainant and court. Accused is not required to heard therein."
3. As per the applicant/complainant there is delay of 39 days to file the complaint. The said delay is caused as accused after receipt of notice assured complainant that he will pay the cheque amount. On the said assurance of accused, complainant did not took any action against accused by filing case within period of limitation. According to applicant, the time limit to file the complaint expired on 04/09/2022. However, due to above reason, present complaint is filed on 19/10/2022. According to me, the reason for delay is satisfactory and reasonable. Hence delay is condoned. Complaint be registered and present application is disposed off accordingly.

Wani.
Date:02/03/2023.

(S. K. Shaikh)
Judicial Magistrate F.C., Wani.