

Negotiable Instruments Act, 1881 S. 138 - Delay in filing complaint - if the original complaint is filed after the expiry of the statutory period, the accused must be given notice along with a copy of the application for condonation of delay before the court can consider condoning the delay - To avail the benefit of the proviso to Section 142(b) of the NI Act, the complainant is required to file an application for condonation of delay, explaining the reasons for the delay - Complaint was filed 10 days after the statutory period of 30 days, without any application for condonation of delay, and without a specific order condoning the delay - Caused prejudice to both the complainant and the accused, leading to an erroneous acquittal - Set aside the impugned judgment of acquittal and remitted the matter to the court of the Chief Judicial Magistrate to proceed afresh.

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Sumit Deb v. Joy Deb , 2020 PLRonline 5206(Tripura)

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