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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1848 of 2026

1 - Gulab Singh Sahu, S/o- Late Harinarayan Sahu, Aged About 38 Years
R/o- Village And Post Godhi, Police Station- Nandini Nagar, Tehsil Dhamdha,
District- Durg (C.G.)

... **Petitioner(s)**

versus

1 - Anil Kumar Patel, S/o- Samaru Ram Patel, Aged About 46 Years R/o-
Gram And Post Murmunda, Police Station- Nandini Nagar, Tehsil Dhamdha,
District- Durg (C.G.)

... **Respondent(s)**

(Cause title taken from CIS)

For Petitioner(s) : Mr. Kabeen Kalwani, Advocate

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

11.09.2026

1. Record of the trial Court as well as appellate Court has already been received.
2. Heard.

3. This is the application for grant of leave to file acquittal appeal filed by the applicant under Section 419 (4) of Bhartiya Nagrik Suraksha Sanhita, 2023.
4. Learned counsel for the applicant would submit that the learned trial Court has convicted the respondent under Section 138 of Negotiable Instruments Act, 1881, however, in the appeal filed by the respondent, the appellate Court has acquitted the respondent/ accused. The learned appellate Court has erroneously considered the mandatory presumption available under the Negotiable Instruments Act, 1881 in favour of the complainant and by holding that the complainant has failed to prove that a legal demand notice was served upon the respondent as there is no any postal receipt and acknowledgment filed by the complainant in the case.
5. On due consideration upon the submission made by learned counsel for the applicant and for the reasons mentioned in the application, the same is allowed. The leave to file acquittal appeal is granted in favour of the applicant.
6. Registry is directed to register the case as regular acquittal appeal and list it in the next week.
7. The present Cr.M.P. is disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge