

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P.No. 856 of 2015

Sanjay Kumar Gupta & Anr. **Vs.** Vikas Kumar

23/09/2015	Shri Alok Tiwari, Advocate on behalf of Shri Anand Shukla, Advocate for the Petitioners/appellants. The matter is listed in default. On due consideration, default pointed out by the Registry is hereby overruled with a direction that copy of other relevant exhibited documents and copy of statement of witnesses be filed before further hearing as and when directed. Heard on instant Cr.M.P. followed by Acquittal Appeal under Section 378 (4) Cr.P.C. as the Judicial Magistrate First Class, Bilaspur (CG) vide judgment dated 28.2.2015 passed in Cr. Case No.13792/14 acquitted the Respondents of the charges under Section 138 of the Negotiable Instruments Act, 1881. The instant Criminal Appeal followed by Acquittal Appeal has been preferred 12 days of its limitation. To condone the delay I.A.No.1/2015 has been filed. Heard on I.A.No.1/2015 for condonation of delay. For the reasons mentioned in the interim application, the same is allowed.	

	Delay in filing the Cr.M.P. followed by Acquittal Appeal is condoned. Heard on instant Cr.M.P. for leave to appeal. To consider the instant Cr.M.P. perused the impugned judgment and other facts mentioned in the petition. On due consideration, I am of the view that this is a fit case where leave to appeal be granted. Consequently, the Cr.M.P. is allowed. Registry is directed to register the matter under the head 'Acquittal Appeal'. The appellants are directed to pay PF within 7 days. Let notice be issued to the respondent through usual and registered mode, returnable within 4 weeks for his representation in the matter. Call for the records of the Court below through usual and fax mode. The appellants are directed to furnish copy of other relevant exhibited documents and copy of witnesses before hearing the matter on admission. List the matter immediately after service on the respondent is complete and record is available. Sd/ (Chandra Bhushan Bajpai) Judge	