

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1077 of 2016**

- Vishnu Agrawal S/o Late Munshilal Agrawal Aged About 57 Years R/o Sangam Chowk, New Khurshipar Bhilai, Tehsil & District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. Sharadchand Sahu S/o Shri Mulchand Sahu Aged About 37 Years R/o Jagir Chowk, New Khurshipar, Bhilai, Tehsil & District Durg, Chhattisgarh.
2. State Of Chhattisgarh. Through District Magistrate Durg, Chhattisgarh.

---- Respondents

For Petitioner
For Respondents/State

Shri Avinash Chand Sahu, Advocate
Smt. M. Asha, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****30/09/2016**

1. The present Petition has been preferred against the order dated 04.07.2016 passed by the Additional Sessions Judge, Durg in Criminal Revision No. 83/2016.
2. Vide the said impugned order the Revisional Court has rejected the Revision preferred by the Petitioner against the order passed by the Chief Judicial Magistrate First Class, Durg seeking an opportunity for leading evidence by the Petitioner.
3. The facts in brief is that the Respondent No. 1, complainant had initiated a proceeding under Section 138 of Negotiable Instrument Act against the Petitioner for an amount of Rs. 60,000/- in the year 2003. That since the

year 2003 the matter is pending consideration before the Magistrate Court. The Petitioner was granted opportunity of leading evidence which she did not avail inspite of the sufficient opportunity being provided to her and therefore the Magistrate Court vide its order dated 29.03.2016 closed the right of the Petitioner to lead evidence and ordered for proceeding further with the trial. It is this order which has been challenged before the Revisional Court and the Revisional Court also vide its order dated 04.07.2016 has rejected the Revision Petition finding that there was no material substance in the Revision Petition. The said order of the Revisional Court and the order of the Magistrate Court is under challenge by way of the present Petition.

4. A perusal of the records clearly shows that this matter pertains to the dishonour of cheque which took place in the year 2003. It is almost 13 years within which the matter could not be finally decided on one ground or the other the matter was getting adjourned. It is also reflected from the two orders that the Petitioner was provided opportunity for leading evidence for the first time on 27.05.2014 and since then she was granted almost two years time to lead evidence and yet the Petitioner did not think it proper to lead evidence and when the matter was fixed for final argument on 14.03.2016, she has moved the application for grant of another opportunity to lead evidence which has been rejected by the Court below affirming the order of the Magistrate Court.
5. Considering the facts stated in the preceding paragraphs it discloses the attitude and conduct of the Petitioner and it further reflects the intention of the Petitioner that she is not interested to lead evidence but wants to kill time with an intention to drag on the proceeding further. In the

opinion of this Court the two orders passed by the Court below i.e. order dated 29.03.2016 by the Magistrate Court and the order dated 04.07.2016 passed by the Revisional Court do not warrant interference as both these orders are all well reasoned and speaking orders and there is no ambiguity, illegality or an error of law on part of the Court below in passing the two orders.

6. The present Cr.M.P. being devoid of merits, the same deserves to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE