

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Misc. Petition No. 949 of 2016

Smt. Sadhna Singh **Vs.** Mehtab Ahmed Khan

1		
02/09/2016	Mr. B.L. Dembra, Advocate, for the Petitioner. The present petition under Section 482 of CrPC has been filed by the Petitioner seeking leave to appeal against the order dated 2.1.2015 passed by the Judicial Magistrate First Class, Ambagarh Chowki, District Rajnandgaon whereby the application for restoration of the complaint case under Section under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act') has been rejected. Counsel for the Petitioner submits that she had filed a complaint case under Section 138 of the N.I. Act against the Respondent. On 18.12.2014, the Petitioner-Complainant and her Counsel could not appear before the Court below and the said complaint case accordingly got dismissed for want of prosecution. Subsequently, an application for restoration of the complaint case was also filed by her, which too was rejected by the Court below vide impugned order. Taking into consideration the fact that the complaint case was dismissed for want of prosecution, this Court is of the opinion that an arguable point has been raised by the Petitioner in this petition. Accordingly, the petition is allowed.	

Registry is directed to register the case as an Acquittal Appeal.

List the matter for admission immediately thereafter.

Sd/-
(P. Sam Koshy)
JUDGE