

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Misc. Petition No. 1209 of 2016

Nitin Jain S/o Sajjanraj Jain, aged about 31 years, R/o Main Road Village Sonarpal, P.S. Bhanpuri, Revenue and Civil District Bastar (C.G.)

... Petitioner

Versus

M.R. Thakur, S/o Shiv Das Thakur, R/o Village Bhejaripadar Para Banarasi, Post Bakawand, P.S. Bakawand, Tahsil Jagdalpur, Revenue and District Bastar (C.G.)

... Respondent

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08/11/2016	Mr. P.K. Tulsyan, Advocate, for the Petitioner. Considering the fact that the the complaint case under Section 138 of the Negotiable Instruments Act has been dismissed on the ground that the notice as is required under Section 138 of the said Act has not been served upon the Respondent, an arguable point has been made out by the Petitioner as it is not in dispute that the registered notice has been issued and it is deemed to have been served unless otherwise proved by the respondent-accused. For the foregoing reasons, the present Criminal Misc. Petition is allowed. Registry is directed to register the case as a regular Acquittal Appeal. Heard on acquittal appeal. The acquittal appeal is admitted. Issue notice to the Respondent. Record of the case be called. List the appeal after the Respondent is served. Sd/- (P. Sam Koshy) JUDGE	
Sharad		