

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET

CRMP NO. 135 of 2017

Shubham Agriculture Vs. Pramod Sahu & Anr.

01/02/2017	Shri Vaibhav A Gowardhan, Advocate for the appellant. Shri Ashok Swarnakar, Panel Lawyer for the State. The present petition has been preferred seeking for leave to appeal to assail the judgment of acquittal dated 24.11.2016 passed by the Additional Sessions Judge, Raipur, in Criminal Appeal No.11/2016. Learned counsel appearing for the appellant submits that initially the trial court found the respondent No.1 guilty of having committed offence under Section 138 of Negotiable Instruments Act, but the same has been reversed by the appellate court. He further submits that in the instant case issuance of cheque is not in dispute. Purchase of Tractor by the respondent No.1 from the appellant is also not in dispute and therefore, prima facie case was made out before the court below which has not been properly appreciated by the lower appellate court. In view of submissions made by the counsel for the appellant, this court is of the opinion that a strong case has been made out for grant of leave to appeal. Accordingly, CrMP is allowed. Registry is directed to register this case as an Acquittal Appeal. The Acquittal Appeal is also admitted for hearing. Call for the records of the court below. Issue notice to the respondent No.1 by ordinary mode as well as by Registered mode. PF within 7 days. List it thereafter for further consideration. Sd/- (P. Sam Koshy) JUDGE	