

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 68 of 2017

Smt. Rashmi Upadhyay **Versus** Sunita Yadav

09.02.2017	None for the Petitioner. The present Cr.M.P. has been preferred seeking for leave to appeal against the order dated 28.11.2016 passed by the JMFC Bilaspur in Complaint Case No. 933/2016. Vide the said order the JMFC, Bilaspur has dismissed the complaint lodged by the Petitioner on the ground of non prosecution. Taking into consideration the settled legal position that in the absence of representation on behalf of complainant on a particular date, the complaint should not be dismissed, this Court is of the opinion that prima facie a strong case for grant of leave has been made out. Accordingly, the present Cr.M.P. stands allowed. Registry is directed to register the same as acquittal appeal. The Acquittal Appeal is also heard on admission. The Acquittal Appeal is admitted for hearing. Let notice be issued to the Respondent on payment of process fee as per rules.	

The matter be listed for further consideration after the service is complete on the Respondent.

Sd/-

P. Sam Koshy
Judge