

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 85 of 2017

Sachin Kumar Gupta **Versus** Bharat Lal

06.02.2017	Mr. A. C. Sahu, Counsel for the Petitioner. Heard on I.A. No.1/2017, which is an application for condonation of delay. For the reasons assigned in the said application for condonation of delay and the same found to be satisfactory, I.A No. 1 is allowed. The Delay of 01 day in filing the Cr.M.P. stands condoned. Also, heard on admission. The present Cr.M.P. has been filed seeking for leave to appeal against the order dated 29.09.2016 passed by the Judicial Magistrate, First Class, Bilaspur in Complaint Case No. 3772/2014 whereby the complaint filed by the Petitioner under Section 138 of the N.I. Act has been rejected by the Court below on the ground that the Petitioner complainant has not been able to establish the reason for which the Respondent accused had issued cheque to the petitioner complainant. Learned Counsel for the Petitioner submits that in the instant case the issuance of cheque, signature on the cheque and dishonouring of the cheque for insufficient fund stands admitted from the evidence of the complainant herself, therefore the Court below ought to have drawn inference of conviction under Section 138 of the N.I. Act. Taking into consideration the ground on which the leave to appeal is sought, this Court is of the opinion that 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.

Call for records of the Court below.

The Acquittal Appeal be listed for final hearing in due course.

Sd/-

P. Sam Koshy
Judge