

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 116 of 2017

Abhay Kale **Versus** Om Narayan Singh @ Munna Singh

03.02.2017	Mr. Shobhit Koshta, 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 1613 days in filing the Cr.M.P. stands condoned. Also, heard on admission. It is the case where the Petitioner has challenged the judgment dated 14.06.2012 passed by the Judicial Magistrate, First Class, Raipur in Complaint Case 305/2009 whereby the case under Section 138 of the N.I. Act preferred by the Petitioner-complainant got dismissed for want of prosecution. The law in this regard by now is well settled that in the absence of complainant for one of the dates, the complaint case should not be dismissed on default, accordingly, 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 matter be listed for further consideration after the service is complete on the Respondent.

Sd/-

**P. Sam Koshy
Judge**