

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 273 of 2017

Suresh Kumar Nagesh S/o Shri Rati Ram Nagesh, aged about 25 years, R/o Village-Geedam, Police Station & Tahsil-Geedam, Civil & Revenue District South Bastar Dantewada (CG)

---- Petitioner

Versus

Ritesh Das S/o Shri N.C. Das Aged about 40 years, R/o Irrigation Colony, Beejapur, Police Station & Tahsil-Beejapur, Revenue Districtg-Beejapur, Civil District Dantewada (CG)

---Respondent

For Petitioner : Mr.P.M. Shrivasa, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/04/2017

Heard

1. The trial Court has taken cognizance of the complaint filed by the respondent/complainant against the petitioner, against which, the petitioner filed an application for discharge from the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter called as 'Act of 1881') before the trial Court. The trial Court by order dated 29.1.2015 rejected the application filed by the petitioner, against which, the petitioner preferred a revision. By the impugned order, the Revisional Court has dismissed the revision. Being aggrieved and dissatisfied with the said order, this petition under Section 482 of the CrPC has been filed.
2. Learned counsel for the petitioner would submit that both the Courts below have concurrently erred in not holding that complaint filed by the respondent/complainant under Section 138 of the Act of 1881 was barred by limitation.

3. I have heard learned counsel for the petitioner and perused the impugned order.
4. Both the Courts below have concurrently held that complaint filed by the respondent/complainant was within limitation and that finding is prima-facie based on available on record.
5. I do not find any jurisdictional error in the impugned order. Accordingly, the petition is dismissed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-