

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P. No.1202 of 2015

Sanjay Khanjode Vs. S.K. Mitra

01/09/2017	Shri Hemant Kesharwani, counsel for the applicant. Shri M.K. Bhaduri, counsel for the respondent. Shri B.P. Singh, counsel for the intervener. Perused the explanation furnished by the Additional Sessions Judge, Raipur. It is stated that on the date two appeals were simultaneously decided one was of S.K. Mitra Vs. Sanjay Khanjode which was bearing number Criminal Appeal No.96/2014 wherein the judgement was delivered on 7th November, 2015 and another appeal which was in between S.K. Mitra Vs. Hare Krishna Sikhdar which was bearing Criminal Appeal No.115/2015 was also decided on 7th November, 2015. Both the appeals were arising out of issue under Section 138 of Negotiable Instruments Act. One appeal was dismissed i.e. Criminal Appeal No.115/2015 whereas Criminal Appeal No.96/2014 though was allowed but because of the typographical mistake in the order sheet it was recorded as appeal is dismissed. Record of the appellate court which is tied in Criminal Revision No.997/2015 in between S.K. Mitra Vs. Hare Krishna Sikhdar was called and the original record was perused wherein order sheet records that on 7/11/2015 appeal preferred by S.K. Mitra was dismissed. Likewise, record of the present revision wherein record of Criminal Appeal No.96/2014 is tied, order sheet of 7/11/2015 shows that appeal is dismissed but actually appeal appears to have been allowed. Considering both the records, it appears that typographical mistake has been crept in and no malafide can be attributed to the Presiding Judge. In the result, explanation given by the Additional Sessions Judge is accepted. Further perused the affidavit of the Sanjay Khanjode and the

application for intervention filed by Ram Kumar Joshi. Respective affidavit was perused and the allegation which is attributed for which unconditional apology has been extended which is accepted. Learned counsel for Ram Kumar Joshi, Shri B.P. Singh submits that there was no intention was attached only explanation has been given and at this moment he do not want to press this application for intervention.

Consequently, the application is dismissed.

Heard on application for grant of leave to appeal.

On due consideration, considering the statement of the complainant and the record of the court below, it appears that considerable ground is made out to go into trial of this revision.

Considering the same, the application for grant of leave to appeal is allowed.

Registry is directed to register the case as acquittal appeal.

Since appearance has already been made on behalf of the respondent, no further notice is required.

List the case for admission.

Sd/-

(Goutam Bhaduri)

Judge