

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 11 of 2017

Ajay Agrawal **Versus** Anil Kumar Agrawal

06.01.2017	Mr. Vivek Chopda, Counsel for the Petitioner. Heard on I.A. No. 1/ 2017 which is an application for condonation of delay. Learned Counsel for the Petitioner submits that the delay has been occurred on account of the fact that he was pursuing remedy before wrong forum as he has filed appeal before Sessions Judge, Ambikapur which finally got rejected on 16.11.2016 holding it to be not maintainable. Only then the Petitioner has filed the present Cr.M.P. 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 232 days in filing the present Cr.M.P. is condoned. Also, heard on admission. Taking into consideration the finding given by the Court below and also the submission of the Counsel for the Petitioner that he has subsequently filed appeal against the order of the	

acquittal before the Court and had also enclosed documents along with the complaint to establish the liability of the Respondent in favour of the Petitioner, 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