

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 316 of 2018**

- Zafar Ali S/o Sayyed Abrar Ali Aged About 48 Years R/o Flat No. 203, 2nd Floor, D/1, D Block , Shree Ram Towers, Tarbahar, Tahsil And District Bilaspur Chhattisgarh

---- **Petitioner****Versus**

- M/s Gagan Home Solutions, Through Gagandeep Arora, R/o Magarpara Road, P. S. Civil Line Bilaspur Tahsil And District Bilaspur Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Saleem Kazi, Advocate
For Respondent	:	Shri KPS Gandhi, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/04/2018**

1. The present petition is against the order dated 15.01.2018 passed in Criminal Revision No.199/2017, whereby the revisional Court has set aside the order dated 05.09.2017 by which the complaint filed under Section 138 of the Negotiable Instruments Act by the respondent was dismissed by the JMFC.
2. Perusal of the order dated 05.09.2017 passed by the JMFC, Bilaspur would show that the complaint was dismissed for absence of the complainant in exercise of power under Section 249 of Cr.P.C. The complaint having been dismissed it will result into acquittal and as is against the order of acquittal the revision though was entertained but was not tenable. Consequently, the order of the revisional Court dated 15.01.2018 is without jurisdiction and accordingly, the same is nonest in the eyes of law and is set aside. The

respondent/complainant shall be at liberty to take appropriate proceedings as available to him under the law. The records of the trial Court shall be returned back forthwith.

3. Accordingly, the petition stands allowed.

Sd/-

Goutam Bhaduri
Judge

Ashu