

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 661 of 2018

Himanshu Chandrawanshi, S/o. Shri Ramphal Chandrawanshi, Aged About 45 Years, R/o. Adarsh Nagar, Ward No. 05, Kawardha Police Station & Tahsil Kawardha, District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. Surendra Kumar Sahu, S/o. Tularam Sahu, Aged About 37 Years, R/o. Village- Sonpuri, Post- Gudha, Police Station Pipariya, Tahsil Kawardha, District Kabirdham, Chhattisgarh
2. State Of Chhattisgarh, Through District Magistrate, District Kabirdham Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent No.2	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.04.2018

Heard

1. Learned counsel for the petitioner submits that the complaint under Section 138 of Negotiable Instrument Act bearing Criminal Case No.103/2014 was dismissed on 18.07.2017 for want of appearance and the exemption application of the complainant was not considered. Against such dismissal, a revision was preferred bearing Criminal Revision No.28/2017, which was also dismissed on 09.03.2018; therefore the instant petition challenging the order of revision. He further submits that against the dismissal of revision, this Court can exercise its power under Section 482 of Cr.P.C. and restored the complaint.
2. Perusal of the complaint would show that the complaint was dismissed, therefore, the respondent was acquitted of the charges. Necessarily it will therefore means that the respondent

was acquitted of the charges and no appeal has been preferred against such acquittal, consequently the petition under Section 482 of Cr.P.C. is not tenable. Accordingly, it is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge

Ashok