

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 899 of 2018**

- Tej Kumar Kujur S/o Late Fransis Kujur Aged About 49 Years R/o- Patel Para Funderdihari, Ambikapur, District- Surguja, Chhattisgarh

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

- Manual Ekka S/o Marshal Ekka Aged About 60 Years R/o- Patpariya, Namnakala, Ambikapur, District- Surguja, Chhattisgarh

---- **Respondent**

For Petitioner : Shri Punit Ruparel, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/05/2018**

1. Heard.
2. The present petition is against the order of revisional Court dated 26.03.2018, wherein the revision has been dismissed by affirming the order of the learned trial Court dated 14.12.2017, passed in complaint case No.928/2016.
3. The instant petition has been preferred by the accused against whom the cognizance has been taken by the Court below under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act, 1881').
4. Learned counsel for the petitioner submits that said cognizance for the offence under Section 138 of the Act, 1881 is time barred, therefore, the cognizance could not have been taken.

5. Initially when the objection was taken before the Court below, the Court observed that having taken the cognizance, the Court cannot review its own order. As such it was dismissed and the same was subject of challenge before the revisional Court and the revisional Court also affirmed the order. In any case, at this stage, nothing is on record to show that under what circumstances the cognizance was issued under Section 138 of the Act, 1881. Though the cognizance is barred by time, the same still can be agitated before the Court below as the evidence of the complainant is still to be recorded. At this stage, it would be too premature to hold without any document on record that the complaint so filed by the respondent is barred by time. The petitioner shall be at liberty to raise all the grounds before the Court below.
6. The petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu