

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 932 of 2018**

- Ramkumar Nayak S/o Shankarlal Nayak Aged About 41 Years R/o- Village-Sarkanda, Post Office and Police Station- Basna, District- Mahasamund, Chhattisgarh

---- Petitioner**Versus**

- Dr. Gajanand Agrawal S/o Gigranj Agrawal Aged About 38 Years R/o- Padampur Road, Basna, Post Office And Police Station- Basna, District- Mahasamund, Chhattisgarh

---- Respondent

For Petitioner : Shri Shivendu Pandya, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/05/2018**

1. Heard.
2. The instant petition is against the order dated 07.04.2018 passed in CRR No.08/2018 passed by the Additional Sessions Judge, Saraipali, District – Mahasamund (C.G.) wherein the order of closure of the evidence of the accused/petitioner dated 16.02.2018 in a case under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the N.I. Act'), has been affirmed.
3. Perusal of the order would show that the complaint is pending before the Court below under Section 138 of the N.I. Act preferred by the respondent, wherein the petitioner/accused was given liberty to lead his evidence on different dates and 5 dates were given and only on one date i.e. on 22.01.2018 Subrat Mahapatra was examined.
4. Learned counsel for the petitioner submits that the petitioner himself would

be an important witness in this case since he has reported the theft of a cheque to the police, therefore, one opportunity to lead the evidence may be granted otherwise it would cause irreparable loss if his right to lead evidence is closed which cannot be compensated subsequently.

5. Taking into the fact that the statement made at the bar that the case is fixed for judgment on 15.05.2018, considering the nature of petition, the petition is preferred by the accused and still evidence not been appreciated by the Court below on merits and it is fixed for judgment. In the facts of this case, one last opportunity is granted to the petitioner. He will appear before the Court below on 15th of May, 2018 and if want to lead his evidence, may produce his witness before the Court and thereafter the trial Court may proceed accordingly. The parties shall appear before the trial Court on 15th May, 2018. Non-applicant shall be informed by registered communication about the preponement of the date of hearing i.e. on 15th of May, 2018, by the petitioner herein. The concerned SHO shall also inform the date of hearing to the non-applicant on 15th May, 2018. If need be the case may be adjourned to the date for some purpose if communication could not be made for 15.05.2018.

6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu