

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1584 of 2018

- Rajesh Sharma S/o Shri Bhushan Lal Sharma Aged About 46 Years R/o- 192, New Khurshipar, Bhilai, Police Station Khurshipar Bhilai, District- Durg, Chhattisgarh

---- Petitioner

Versus

- Smt. Jaishree Chauhan W/o Shri Rajesh Chauhan Aged About 48 Years Proprietor, M/s Chauhan Automotive, R/o- M.I.G.-2338, M.P.H.B. Industrial Area, Nandini Road, Bhilai, District- Durg, Chhattisgarh

---- Respondent

For Petitioner : Shri T.K.Jha, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/08/2018

Heard on admission.

This petition has been filed by the petitioner aggrieved by order dated 19/07/2018, by which, revision against Trial Court's order has been dismissed.

2. The petitioner filed a complaint, against the respondent, alleging commission of offence under Section 138 of the Negotiable Instruments Act as also under Section 420 IPC.

An application under Section 311 CrPC was filed on 21/05/2018 for calling four witnesses. The application was partly allowed. The Trial Court allowed the prayer for examination of Branch Manager of State Bank of India but prayer for examination of other witnesses was rejected vide order dated 13/04/2018. Aggrieved by the said order, revision was also preferred which was also dismissed.

3. Learned counsel for the petitioner submits that rejection of petitioner's application for examination of desired witnesses would result in depriving the petitioner / complainant from the opportunity to lead evidence to prove his case that the cheques were being issued by the respondent in favour of the petitioner in course of their business transactions in the past which were operated through various banks.

The rejection has caused miscarriage of justice and if the trial has been delayed, the petitioner alone is not responsible.

4. The complaint admittedly is pending for the last 14 years. It is also not in dispute that initially, at the time of submitting list of witnesses, the petitioner had not include Manager, Bank of Baroda, Civic Centre, Bhilai, District – Durg as his witness. There is no reason why earlier, the petitioner did not include the Manager, Bank of Baroda as one of his witness. The petitioner has otherwise been allowed to examine the Manager, State Bank of India, Durg.

5. In view of above consideration, the order passed by the Courts below do not warrant any interference. The petition is, accordingly, dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge