

HIGH COURT OF CHHATTISGARH, BILASPUR

Acquittal Appeal No. 311 of 2018

- Uttam Chand Bafna S/o Lunkaran Bafna Aged About 45 Years
Occupation Bussiness Prakash Plywood, R/o Ramadhin Marg
Rajnandgaon Tehsil And District Rajnandgaon Chhattisgarh

---- Appellant

Versus

- Kamal Sharma S/o Late Bhawarlal Sharma Aged About 50 Years R/o
Ramadhin Marg Rajnandgaon Tehsil And District Rajnandgaon
Chhattisgarh

---- Respondents

For Appellant : Shri S.S. Baghel, Advocate

SB: Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

03/10/2018

1. Heard on the application for grant of leave to appeal filed under Section 378 (4) of the Cr.P.C.
2. On due consideration, the application is allowed and leave is granted.
3. This appeal is preferred against the order dated 17.11.2017 passed by the Judicial Magistrate First Class, Rajnandgaon (CG) in an unregistered Complaint Case between the parties.
4. From the order sheet of the trial Court it appears that the complaint was filed on 26.12.2007 and the proceedings were going on for one reason or the other. The appellant was represented through his counsel upto 7.9.2017. On 17.11.2017 the complaint was dismissed for single default. When the Complaint Case was pending

since long, it was not proper to dismiss the same for a single default. The order passed by the trial Court is not sustainable and the same is hereby set-aside. The trial Court is directed to provide an opportunity of hearing to the appellant to adduce evidence and then proceed according to law.

5. The appellant shall appear before the trial Court for further hearing on 4th December, 2018.
6. Record of the trial Court be sent immediately.
7. The petition stands disposed of.

Sd/

(Ram Prasanna Sharma)
JUDGE