

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2165 of 2018**

Vaibhav Jaiswal Firm-Shri Tirupati Balaji Motor Parts Pro., Aged About 29 Years, S/o Shri Ashok Kumar Jaiswal, R/o Shri Tirupati Balaji Motor Parts, Near Municipal Corporation Gate, Pali Road Dipka, Tahsil Katghora, District- Korba (C.G.)

---- **Petitioner**

Versus

Neeraj Kumar Singh, S/o Shri Sukhvinder Singh, Aged About 37 Years, R/o near the house of Ashok Lineman, R.K. Gupta Chowk, Pali Road, Dipka Jhabar, Tahsil-Katghora, District- Korba (C.G.)

---- **Respondent**

For Petitioner : Mr. S.S. Rajput, Advocate.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

22/10/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, the same is allowed and delay of 19 days in filing the petition is condoned.
3. Also heard on application filed under Section 378(4) of the Code of Criminal Procedure, 1973 for grant of leave to appeal.
4. On due consideration, leave is granted.
5. This petition is preferred under Section 378 (4) of the Code of Criminal Procedure, 1973 against order dated 06.07.2018 passed in unregistered complaint case filed under Section 138 of the Negotiable Instrument Act, 1881 (for short "the Act, 1881") by Judicial Magistrate First Class, Korba (C.G.),

wherein, the said court dismissed the complaint on the ground that the same is time barred.

6. Learned counsel for the petitioner submits that the complaint was dismissed at initial stage and is willing to file an application for condonation of delay in filing the complaint.
7. In view of the above, the order passed by the trial court is set-aside allowing the petition. It is directed that if the petitioner files an application under Section 142 of the Act, 1881, the same shall be considered by the trial court and thereafter the trial court will pass an order afresh in accordance with law.

Sd/-
(Ram Prasanna Sharma)
Judge