

HIGH COURT OF CHHATTISGARH, BILASPURCr.M.P. No.1350 of 2019

Smt.Shirin Sant wife of late Onkar Singh, aged about 55 years, R/o. Qtr.No.9/A, Street No.36, Sector-5, Bhilai Nagar, Tahsil and District Durg (CG)

--- Petitioner

Versus

Aman Bhanot son of M.L. Bhanot, aged about 40 years, R/o. M.I.G.-1/992, Hudco Sector, Bhilai, Tahsil and District Durg (CG)

--- Respondent

For Petitioner: Mr.Jitendra Gupta, Advocate

Hon'ble Shri Justice Sanjay K. AgrawalOrder on Board17/06/2019

1. Heard on question of admission of CrMP.
2. The petitioner is accused and standing trial for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter called as "the Act of 1881"). Learned Judicial Magistrate First Class, Durg took cognizance of the offence punishable under Section 138 of the Act of 1881 and framed charge for offence punishable under Section 138 of the Act of 1881 against the petitioner on 22.5.2018 by explaining the particulars of offence, which the petitioner questioned by way of revision before the 8th Additional Sessions Judge, Durg. Learned Additional Sessions Judge set aside the order explaining the particulars of offence and remanded back the matter to the trial Court for hearing afresh on the question of charge/particulars of offence, against which, this

CrMP has been filed.

3. Mr. Jitendra Gupta, learned counsel for the petitioner, would submit that the Additional Sessions Judge ought to have discharged the accused persons and should not have remanded the matter for fresh consideration.
4. I have heard learned counsel for the petitioner, perused the impugned order and other documents appended with the petition.
5. Order dated 22.5.2018 explaining particulars of offence for framing charge has been set aside by the 8th Additional Sessions Judge and the matter has been remanded back to hear the parties afresh and pass a reasoned order, in which I do not find any illegality as the petitioner is at liberty to make submission before the trial Court that no charges are made out against him.
6. With the aforesaid observation, the CrMP is disposed of at the stage of admission itself, without notice to other side.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-