

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.533 of 2019**

- Shailesh Mishra S/o R.K. Mishra Aged About 37 Years R/o C-404, Puja Apartment, Kranti Nagar, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Appellant

Versus

- Indrapal Singh Domar S/o Bhupendra Singh Domar Aged About 35 Years R/o Behind Arvind Provision Store, Street No. 07, Implipara, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh.

---- Respondent

 For the Appellant : Shri Ravindra Sharma, Advocate
 For the Respondent : Shri Ravindra Agrawal, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****05.11.2019.**

1. This appeal has been preferred against Order dated 03.6.2019 passed by Judicial Magistrate First Class, Bilaspur (CG) in Criminal Case No. NIA/469/2017 wherein the said Court dismissed the complaint filed by the appellant under Section 138 of the Negotiable Instruments Act, 1881, for want of prosecution.

2. Dismissal of the complaint case was not the only option before the trial Court. It should have been adjourned the case for some other date as per the provisions of Section 256(1) CrMP.

3. In view of this Court, the case should have been decided on merits and it should not have sent to record room without deciding the issues between the parties and without providing opportunity to adduce evidence. But that is not done in the present case, therefore, the order passed by the trial Court is not sustainable.

4. Accordingly, order passed by the trial Court is set aside by allowing the petition. The trial Court is directed to proceed with the case on merits after providing opportunity of hearing to both sides and decide the case on merits after concluding it on merits.

5. The parties to appear before the trial Court on **09.01.2020** for further proceedings.

Sd/-
(Ram Prasanna Sharma)
JUDGE