

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1744 of 2018**

Sandeep Gupta S/o Purshottam Gupta Aged About 42 Years through
 Proprietor Sandeep Stationary Mart and Book Depot Dev Shri Talkies
 Road Dhamtari, Tehsil Dhamtari District Dhamtari Chhattisgarh R/o
 Ramsagar Para Ward, Dhamtari District Dhamtari Chhattisgarh,
--- Petitioner

Versus

Dinesh Kumar Sahu S/o Late Ramlal Sahu, Aged About 46 Years
 R/o. Ramsagar Para Ward, District Dhamtari Chhattisgarh-
 Indiranagar Chowk, Gaurav Path Road, Ramsagar Para, Near Sulabh
 Shouchalya, District- Dhamtari, Chhattisgarh, District : Dhamtari,
 Chhattisgarh **--- Respondent**

For the petitioner	:	Shri Kunal Das, Advocate
For the Respondent	:	Shri Samir Singh. Advocate

CRMP No. 1757 of 2018

Sandeep Gupta S/o Purshottam Gupta Aged About 42 Years Through
 Proprietor Sandeep Stationary Mart And Book Depo Dev Shri Talkies
 Road Dhamtari, Tehsil Dhamtari District Dhamtari Chhattisgarh R/o
 Ramsagar Para Ward, Dhamtari District Dhamtari Chhattisgarh,
 District : Dhamtari, Chhattisgarh **--- Petitioner**

Versus

Dinesh Kumar Sahu S/o Late Ramlal Sahu Aged About 46 Years R/o
 Ramsagar Para Ward, Dhamtari District Dhamtari Chhattisgarh
 Indranagar Chowk, Gourav Path Road, Ramsagar Para, Near Sulabh
 Shouchalaya Dhamtari District Dhamtari Chhattisgarh.
--- Respondent

For the petitioner	:	Shri Kunal Das, Advocate
For the Respondent	:	Shri Samir Singh Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.01.2019**

1. The present petition is against the dismissal of application
 u/s 45 of the Evidence Act by order dated 28.07.2018 passed
 by the Sessions Judge, Dhamtari (CG) in Criminal Revision

Nos. 20/2018 & 19/2018 whereby the initial order dated 18.04.2018 passed by the learned JMFC in Criminal Complaint Case No. 452/2015 & 451/2015 was affirmed.

2. Learned counsel for the appellant would submit that the alleged cheques on which the proceedings u/s 138 of Negotiable Instruments Act has been initiated do not bear the signatures of the applicant and therefore when the application was filed u/s 45 of the Indian Evidence Act necessarily the matter should have been investigated so as to allow the parties to conduct a fair trial before the Court. He further submits that if the application is allowed no prejudice would be caused to the respondent.
3. Per contra, learned counsel for the respondent opposes the same.
4. A perusal of the order of the revisional Court would reveal that the court observed the fact that the signature(s) on the alleged cheque(s) has been admitted by the applicant. In view of this, another opinion on the fact that by invoking section 45 of the Indian Evidence Act do not appear to be reasonable prayer. Therefore, I do not find any illegality in the impugned orders. Accordingly, both the petitions are dismissed.
5. However, the applicant shall be at liberty to raise all other defence so as to establish the fact whether the legal liability existed or not.

Sd/-

**GOUTAM BHADURI
JUDGE**