

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P.No.82 of 2016

Sanjay Tamrakar **Versus** Kamal Verma

02/05/2019	Ms Pragya Pandey, counsel for the applicant. None present for the respondent though served. The Judicial Magistrate First Class, Durg by the judgment dated 16.7.2015 in Criminal Complaint Case No.438/2012 convicted the respondent herein for offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for two months and also granted compensation of ₹ 90,000/- under Section 357(3) of the CrPC, which has been reversed by the Additional Sessions Judge, Durg in Criminal Appeal No.66/2015, against which, this application for leave to appeal under Section 378(4) of the CrPC has been filed by the applicant herein. I have heard learned counsel for the applicant and perused the impugned judgment. After hearing learned counsel for the applicant and going through the record, I am of the considered opinion that present is a fit case where application under Section 378(4) of the CrPC deserves to be allowed. Accordingly, application for leave to appeal under Section 378(4) of the CrPC is allowed. Office is directed to register Acquittal Appeal separately and place it before appropriate Bench for hearing.

CrMP is disposed of accordingly.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-