

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2587 of 2018**

- Sanjay Kaushik S/o Ishwar Prasad Kaushik Aged About 27 Years R/o Old Kurasiya Pokhri Dafai, Bada Bazar, Chirmiri, Tahsil Khadgawa, Police Station Chirmiri, District Korea, Chhattisgarh.

---- **Petitioner****Versus**

- Raju Kumar S/o Shivsagar Aged About 25 Years R/o Podi West Chirmiri Police Station Podi, Tahsil Khadgawa, District Korea, Chhattisgarh.

---- **Respondent**

For the Petitioner	:	None
For the respondent	:	None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****24.4.2019.**

1. Perused the petition on the matter of maintainability.
2. The respondent has been convicted under Section 138 of the Negotiable Instruments Act, 1881 vide judgment dated 31.8.2018 passed by Judicial Magistrate First Class, Chirmiri in Complaint Case No.250/2017 wherein he has been sentenced to undergo SI for one year and to pay fine of Rs.3000/- with default stipulations.
3. As the judgment is not an acquittal, appeal under Section 378 (4) of the CrPC is not maintainable. However, the petitioner is free to take any other legal recourse available to him.
4. Accordingly, the instant petition is dismissed as not maintainable.

Sd/-
(Ram Prasanna Sharma)
JUDGE