

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 94 of 2020

- Rajkumar Kannouje, S/o Late Shri Ravichand Kannouje, Aged about 37 years, R/o Behind Naagorao Shesh School, Juna Bilaspur, Police Station- City Kotwali, Tahsil & District- Bilaspur (C.G.)
----- **Petitioner**

Versus

- Shri Rakesh Kannouje, S/o Late Madhoprasad Kannouje, Aged about 45 years, R/o Lily Chowk, Purani Basti, Transformer Gali, Raipur, Police Station- Purani Basti, Laiy Chowk, Tahsil & District- Raipur (C.G.)
----- **Respondent**

For Petitioner : Shri Rishi Kant Mahobia, Advocate.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

16/01/2020

1. This appeal is preferred against the order dated 4th December, 2019 passed by Judicial Magistrate First Class, Bilaspur (C.G.) in Complaint Case No. 713/2018 filed under Section 138 of the Negotiable Instruments Act, 1881 wherein the said Court dismissed the complaint as premature.
2. In the matter of **Yogendra Pratap Singh Vs. Savitri Pandey & Another**, reported in (2014)10 Supreme Court Cases 713, it is held (Para 41) that if a complaint is premature then remedy is only to file a fresh complaint.
3. In view of the law laid down by Hon'ble the Apex Court, the appellant is at liberty to file a fresh complaint before the trial Court for the same cheque which was dishonored.
4. With the above observation, the instant petition stands disposed of.

Sd/-

(Ram Prasanna Sharma)
Judge