

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P.No.373 of 2020**

Shailendra Singh Yadav son of K.S. Yadav, aged about 40 years, R/o. Qtr.No.300 Jawahar Nagar, Durg, P.S. Mohan Nagar, District Durg (CG)

----- **Petitioner**

Versus

Rishi Kumar Shukla, son of R.N. Shukla, aged about 43 years, R/o. Qtr. No.770, Maa Shyama Sadan, Hanuman Nagar, Titurdi, Durg, P.S. Mohan Nagar, District Durg (CG)

----- **Respondent**

For Petitioner : Mr.Jitendra Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

5/3/2020

- 1.The petitioner is an accused standing trial for offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter called as 'NI Act'), in which he raised preliminary objection that no case under Section 138 of the NI Act is made out against him and the complaint deserves to be dismissed, which the trial Court dismissed holding there is no provision for review of its own order and the complaint cannot be dismissed, against which, he filed revision and thereafter this petition under Section 482 of the CrPC.

- 2.The petitioner has raised preliminary objection that

cheque in question has been misused by the respondent/complainant.

3. Be that as it may, the petitioner is at liberty to raise all legally permissible grounds before the trial Court, which were raised before this Court and that will be considered by the trial Court in accordance with law.

4. With the aforesaid observation, the CrMP stands finally disposed of.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-