

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1723 of 2017**

- Raviprakash Soni, S/o Late Rajesh Kumar Soni, Aged about 28 years, R/o Present Address- In The Building of Late Shri Babulal Sahu Lal Bagh Near Shiv Mandir Jagdalpur, District- Bastar, Chhattisgarh, Permanent Address- New Chingorabhata Near Ashadeep School Ganpati Nagar Above Raju Kirana Raipur District- Raipur (C.G.) **---- Petitioner**

Versus

- Smt. Dolly Soni, W/o- Raviprakash Soni, D/o- Shri Rikhi Ram Soni, R/o- Present Address Soni Villa House Near Mona Golden Transport Shakti Nagar Jalpa Ward Katni Tahsil- Katni, District- Katni, P.S. City Kotwali Katni (M.P.) **---- Respondent**

 For Petitioner : Shri Pravin Kumar Tulsyan, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****25/02/2020**

1. Heard on application for grant of leave to appeal filed under Section 378(4) of the Code of Criminal Procedure, 1973.
2. On due consideration, leave is granted.
3. This petition is preferred against the order dated 11th April, 2017 passed by Chief Judicial Magistrate, Jagdalpur, District- Bastar (C.G.) in unregistered complaint case filed under Sections 294 and 507 of Indian Penal Code, 1860 and under Section 67 of the Information Technology Act, 2000 by which the said case is dismissed for want of prosecution.
4. It appears from order-sheet of the said Court that the case was fixed for evidence before registration and it was dismissed for want of prosecution.

5. Dismissal of complaint was not the only option before the trial Court. The trial Court should have adjourned the case for some other date as per the provisions of Section 256(1) of the Cr.P.C. The trial Court should have proceeded to decide the case on merit between the parties, but that is not done in the present case and without deciding the issues between the parties, the record was sent to record room.
6. Accordingly, the instant petition is allowed and the order passed by the trial Court is hereby set aside. The trial Court to proceed according to law.
7. The petitioner shall remain present before the trial Court for further proceeding on 15th April, 2020.

Sd/-

**(Ram Prasanna Sharma)
Judge**