

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No. 826 of 2012**

- Manish Kumar soni, aged about 26 years, S/o. Ramesh Prasad Soni, by Occupation Photo Studio R/o. Patna Tahsil Baikunthpur Distt. Koriya

---- Petitioner**Versus**

1. Smt. Usha Singh, aged about 35 years, W/o. Narayan Singh (Sarpanch Gram Panchayat Chirguda) R/o. Village Chirguda, Post Patna, Tahsil Baikunthpur, Distt. Koriya
2. Kewla Prasad aged about 36 years, (Sarpach Gram Panchayat Chirguda) R/o. Champajhar, Thana Patna Tahsil Baikunthpur, Distt. Koriya

---Respondents

For Petitioner	: Shri Shalvik Tiwari, Advocate
For Respondents	: None present, though represented

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05.02.2021.**

1. This application for leave to appeal under Section 378(4) of the Code of Criminal Procedure, 1973 has been filed against the order of acquittal dated 31.7.2012 passed by Judicial Magistrate First Class, Baikunthpur Distt. Koriya in Compliant Case No.133/2011 whereby the said Court acquitted the respondents for the charges under Section 138 of the Negotiable Instruments Act, 1881.
2. Learned counsel for the petitioner submits that it is a fit case to grant leave to appeal against the order of acquittal as the respondents have been acquitted for want of evidence, by recording a finding which is perverse to the record.
3. I have heard learned counsel for the petitioner and perused the

record.

2. The learned trial Court dismissed the complaint filed against the respondents holding that despite several opportunity has been granted to the complainant, he could not adduce evidence to support his complaint by order dated 17.7.2012 and thereafter statements of the accused were recorded and ultimately by order dated 31.7.2012, the accused/respondents were discharged from the charges holding that since no evidence has been lead by the complainant, the respondents cannot be prosecuted. The finding recorded by the learned trial Court, acquitting the respondents for want of evidence, is strictly in accordance with law and I do not find any merit in the application for leave to appeal.

5. Accordingly, instant CrMP is dismissed.

Sd/-

(Sanjay K. Agrawal)
JUDGE