

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 594 of 2021**

- Ram Kumar Nayak S/o Shankar Lal Nayak, Aged About 45 Years R/o Village - Sarkanda, Post - Limdarha, Police Station And Tahsil - Basna, District - Mahasamund Chhattisgarh., **---- Petitioner**

Versus

- Jaswant Singh Saluja S/o Late Inder Singh Saluja, Aged About 60 Years R/o Ward No. 13, Village - Basna, Police Station And Tahsil - Basna, District - Mahasamund Chhattisgarh. **---- Respondent**

For petitioner : Mr. Vaibhav Goverdhan, Advocate.

For respondent No.1 : Mr. J.K. Gupta, Advocate.

: Mr. Gurudev I Sharan, Govt, Advocate
appeared to assist the Court along with Mr.
L.R. Thakur, SHO, PS Basna.

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****29-09-2021**

1. This court vide its order dated 30-06-2021 has directed the State counsel to produce Rojnamchasana wherein as contended by learned counsel for the petitioner that he has made made complaint on 28-2-2014 to Police Station Basna, District Mahasamund regarding losing of cheque book from Cheque No.8763051 to 8763075 issued by the Dena Bank which was signed by him. In pursuance of the direction passed by this Court on 30-6-2021, today Mr. L.R. Thakur, Station House Officer, Police Station Basna, District Mahsamund has appeared before this court along with original record which would show that the complaint has been lodged by the petitioner and there is entry in

Rojnamchasana. From bare perusal of the documents, it is reflected that there is entry of complaint with regard to theft of cheque book.

2. Be that as it may, learned Judicial Magistrate has rejected the preliminary objections filed by the petitioner with regard to maintainability of the complaint on the count that the cheque book has already been lost and report to this effect has also been made to Police Station, Basna. Learned Judicial Magistrate First Class, Basna has rejected the said objection by recording a finding that no proper steps have been taken by the petitioner with regard to the disputed cheque book and alleged theft of that cheque book. That order has been assailed by the petitioner before the revisional Court and the revisional Court has also dismissed the same vide its order dated 10-06-2021.
3. Considering all the facts and circumstances of the case and the fact that since the documents are available with the Police of Police Station, Basna, the petitioner may file a suitable application before concerning court for summoning them and in turn the trial court while adjudicating the complaint shall consider the documents which have been produced before this court by the Station House Officer, Police Station, Basna while deciding the trial pending before the court of Judicial Magistrate First Class, Basna.
4. It is made clear that the trial court while deciding the case of the petitioner shall not be influenced by any observations made by

this court or by the court of learned Judicial Magistrate First Class, Basna vide its order dated 4-5-2021 and the order of the revisional Court dated 10-6-2021. The evidentiary value or relevancy of the documents has to be examined and ascertained by the trial court, in accordance with law.

5. With the aforesaid observations and direction, the instant petition is disposed of.

Sd/-

(Narendra Kumar Vyas)

Judge

Raju