

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.219 of 2021**

Arising Out of PS. Case No.-722 Year-2008 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Mukesh Sharma S/O Ramjee Sharma R/O M.T.N. Gosh Road, Champanagar,
P.S.-Nathnagar, District-Bhagalpur. Petitioner/s

Versus

1. The State Of Bihar
2. Ashok Kumar Sah S/O Late Laxman Sah R/O Village-Hasanganj, P.S.-
moujahdpur, District-Bhagalpur. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Sinha, Adv.
For the Respondent/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-07-2022 Learned counsel for the petitioner has submitted at the outset that though one interlocutory application has been filed for condonation of delay but the fact is that the impugned judgment has been delivered on 18.02.2020, this revision application has been filed on 05.02.2021 and the period of limitation expired during the lock-down of the country because of the Covid-19 pandemic. It is submitted that during the period the judgment of the Hon'ble Supreme Court of India in Suo Motu Writ (Civil) No.5 of 2020 as well as judgment of the Hon'ble Full Bench of this Court in Civil Writ Jurisdiction Case No.5633 of 2020 were in force and subsequently it has been held that period up to 20th March, 2022 shall not be taken into consideration to count the period of limitation, therefore, it is his



submission that I.A. No. 1 of 2022 is not required to be considered and the revision application may be treated in time.

Mr. Akhileshwar Prasad, learned APP for the State is present. He does not dispute the above position.

In that view of the matter, this revision application is treated within time.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner in the present case is aggrieved by and dissatisfied with the judgment dated 18.02.2020 passed in Cr.Appeal No.97 of 2018 by leaned Additional Sessions Judge-IVth, Bhagalpur whereby and whereunder the learned Sessions Judge has dismissed the appeal against the order of conviction and sentence and fine of Rs.1,80,620/- under Section 138 of N.I. Act. The petitioner has to pay Rs.1,70.620/- to the complainant Ashok Kumar Sah by way of compensation and the remaining Rs.10,000/- shall be deposited by the petitioner in government exchequer. In default of payment of fine, the petitioner shall undergo S.I. for one month.

Learned counsel for the petitioner submits that both the learned trial court as well as the appellate court have erred in not appreciating the case of the petitioner that the cheque in



question was lost and in this regard he had informed the bank about the missing cheque.

When this Court called upon the learned counsel for the petitioner to say as to whether information furnished to the bank with regard to the missing cheque has been brought on record by way of evidence in course of trial, learned counsel submits that no such exhibit has been brought on the record.

This Court finds on perusal of the impugned judgment that the cheque has been duly proved and the witnesses have also deposed that the legal notice/demand notice regarding dishonour of cheque was also sent for insufficient fund/stop payment to the petitioner but no reply to the same was given. The legal notice has been marked as exhibit '3'. The judgment of the learned appellate court as well as the judgment of the learned trial court are well considered and reasoned judgments. This Court sitting in its revisional jurisdiction finds no reason to interfere with the same.

This revision application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

