



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 756 of 2025

1. Kamlesh Kumar Shrivastava Son of Late Vinod Bihari Shrivastava, Aged About 56 Years Resident of Subhash Nagar Durg, District Durg (C.G.)
2. Manoj Kumar Sahu, Son of Kanhaiya Lal Sahu, Aged About 51 Years Resident of Shakti Nagar, Near Sulabh Shouchalay, chaprasi Plot, Durg, Police Station Mohan Nagar, District Durg (C.G.)

... **Petitioners**

versus

- Mohan Dubey Son of Ramswarup Dubey, Aged About 39 Years Resident of A.D. Chowk, Ward No.20, Gali Nagar 02, Teacher Colony Bhawani Chowk, Kota, Raipur, District Raipur (C.G.)

... **Respondent**

Order on Board

28.02.2025	Mr. Praveen K. Dhurandhar, Advocate for Petitioners. Heard. Admit. Issue notice to respondent on payment of process fee as per rules, within a period of 01 week. Notice be made returnable within three weeks. Also heard on I.A. No. 01/2025, application for grant of stay. Learned counsel for petitioners contended that respondent has



issued 02 cheques in favour of both the petitioners, thereafter respondent has made complaint before the police station Mohan Nagar, Durg after receipt of demand notice from petitioners and police station Mohan Nagar has registered the case under Section 155 CrPC and stated that it is a case of cheque bounce. Thereafter, respondent has filed an application under Section 156(3) of CrPC before the Judicial Magistrate First Class, Durg (JMFC, Durg) without any affidavit. He further contended that after going through the complaint and the records, learned JMFC, Durg has found that *prima facie* it is not a case of cheating, it is a case of dishonoring of cheque and that is punishable under Section 138 of Negotiable Instrument Act, 1881 and dismissed the application filed under Section 156(3) of CrPC. Thereafter, respondent has filed revision before the revisional court at Durg, which came to be allowed, the order of JMFC, Durg has been set aside by the revisional court and the case is remanded back to the court of JMFC, Durg. Therefore, petitioners have filed this revision.

Looking to the peculiar facts of the case, particularly, that it is an admitted fact that 02 cheques were issued by the respondent in favour of both the petitioners which were bounced and after issuing demand notice by the petitioners, respondent has filed complaint. Therefore, purely as an interim measure, it is directed that that further proceedings in Unregistered Complaint Case Filing No. MJC Cri./15405/2024 (Mohan Dubey vs. Kamlesh Kumar Shrivastava and another) pending before Judicial Magistrate First Class, Durg, District Durg, C.G. shall remain



stayed till the next date of hearing only.

List this case after receipt of service report of notice upon respondent.

Certified copy as per rules.

Sd/-
(Arvind Kumar Verma)
Judge