



2026:CGHC:14717

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 443 of 2026**

1 - Dr. Bhupendra Soni S/o Late Bhuneshwar Lal Soni Aged About 52 Years R/o Panchwati Coloney Dhamtari, Tahsil And Distt. Dhamtari, C.G., Present Address Ward No. 5, Ankur Society, Gujarati Colony Dhamtari, Distt. Dhamtari, Chhattisgarh.

... Applicant**versus**

1 - Pratik Agrawal S/o Ramnarayan Agrawal Aged About 41 Years R/o Vivekanand Colony, Gali No. 3, Tahsil And Distt. Dhamtari, Chhattisgarh., Present Address Behind Shivnanda Hospital, Arihant Shri Vihar Colony Dhamtari, Tahsil And Distt. Dhamtari, Chhattisgarh.

... Respondent

For Applicant : Mr. Krishnakant Prajapati, Adv.

For Non-applicant : None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order On Board****30/03/2026**

Heard.

1. The present revision under Sections 438 & 442 of BNSS has been preferred by the applicant against the impugned judgment dated 27.02.2026 passed by the learned



Sessions Judge, Dhamtari, District - Dhamtari (C.G.) in Criminal Appeal No. 03/2026, affirming the order dated 07.08.2023, passed by the learned Judicial Magistrate First Class, Dhamtari (C.G.) in Criminal Complaint Case No. 411/2016, whereby, after giving sufficient opportunity to the applicant/complainant to adduce pre-charge evidence, yet finding that such evidence was not presented, closed the applicant/complainant's opportunity to adduce pre-charge evidence and discharged the respondent/accused from the charge under Section 406 of IPC.

- 2.** The applicant, as a complainant, filed a complaint against the respondent in 2015, seeking cognisance under Sections 406, 419, 420, 465, 467, 468, and 506(B) of the Indian Penal Code (IPC). Pursuant to the Trial Court's order dated 28.05.2016, his complaint was registered, and cognisance under Section 406 of the IPC has been taken against the respondent. Subsequently, from 06.09.2016 to 07.08.2023, a period spanning nearly seven years, the Trial Court granted the applicant/complainant numerous opportunities to present pre-charge evidence; however, the applicant/complainant failed to have any such witness examined. Consequently, on 07.08.2023, the Trial Court closed the opportunity for presenting pre-charge evidence and discharged the respondent from the charge under Section 406 of the IPC. Thereafter, the applicant/complainant challenged this decision in an appeal; however, the Appellate Court, Sessions Judge, Dhamtari, C.G., in Criminal Appeal No. 3/2026, passed an order dated 27.02.2026, dismissing the appeal while upholding the propriety of the Trial Court's proceedings. Hence, the present petition.
- 3.** Learned counsel for the applicant submits that the orders



passed by the learned trial Court and the appellate Court is bad in law. He further submits that it is not the case that the applicant deliberately remained absent before the trial Court, but due to some unavoidable reasons on account of ill-health, the applicant reached the trial Court belatedly after 12:30 pm. On 07.08.2023, the applicant appeared before the trial Court belatedly at about 12:30 pm and on that day, the applicant filed an application in writing before the trial Court for recording his statement before charge, but the said application was not even accepted by the learned trial Court. Hence, the present revision petition is liable to be allowed.

4. Heard learned counsel for the applicant and perused the records.
5. In the case in hand, looking to the records, it is evident that the applicant/complainant was granted many opportunities in a period of nearly seven years to present pre-charge evidence, yet he failed to do so. Consequently, the Trial Court closed the opportunity and discharged the respondent for the aforesaid offence. Upon examination, I do not find any infirmity in the order passed by the learned trial Court, as affirmed by the learned appellate Court, warranting interference by this Court.
6. Accordingly, the present revision petition is **dismissed** at the admission stage itself.

Sd/-

(Sanjay Kumar Jaiswal)

Judge

H.L. Sahu