



2026:CGHC:18482



2026:CGHC:18482

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 953 of 2026

Omkant Mishra S/o R.B. Mishra Aged About 43 Years R/o Jeevan Colony
Ward No. 45 Rajnandgaon, District Rajanandgaon (C.G.)

... Petitioner(s)

versus

Sandeep Yadav S/o Prakash Yadav Aged About 30 Years R/o Ward No 38
Prabhat Nagar Near Public Lavatory Lalbag Rajnandgaon, District
Rajnandgaon (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Ajit Singh, Advocate

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

22/04/2026

1. Heard.
2. This is an application under Section 419(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of leave to file acquittal appeal.
3. Learned counsel for the petitioner would submit that the petitioner was the complainant before the learned trial Court, he was prosecuting a



complaint case under Section 138 of Negotiable Instrument Act, 1881 against the respondent in which the respondent/accused was convicted by the learned trial Court under Section 138 of Negotiable Instrument Act and sentenced for simple imprisonment for six months with compensation of Rs. 4,50,000/-, in default of payment of compensation, additional simple imprisonment for one month. He would further submit that in an appeal filed by the respondent before learned Appellate Court, he has been acquitted by the judgment dated 13.03.2026 and while acquitting the accused by the Appellate Court, it has been observed that the respondent has paid the amount in the bank account of the complainant whereas there is no such evidence available on record that the respondent/accused has paid the amount of cheques. There are statutory presumptions in favor of the complainant and the well reasoned judgment passed by the learned trial Court has been set aside by the Appellate Court, therefore, leave to file acquittal appeal may be granted to the petitioner.

4. Considering the submissions made by learned counsel for the petitioner, the application for grant of leave is allowed and leave to file acquittal appeal is granted.
5. The Registry is directed to register the present CRMP as regular Acquittal Appeal and list the case in the next week.
6. The present CRMP is disposed of.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE