



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

CRMP No. 2102 of 2023

PRAKASH KUMAR SARWAY **versus** DAITARI GUPTA (SINCE DECEASED)
THROUGH LRS.

05/09/2024	Mr. Amit Soni, learned counsel for petitioner. Mr. Saurabh Gupta on behalf of Mr. Sourabh Sharma, learned counsel for respondent/s. Heard on admission. Heard on I.A. No. 01, an application for grant of Ad-interim relief. Learned counsel for the petitioner submits that the petitioner at the relevant point of time was working as SDO and while working in the capacity of Land Acquisition Officer, he issued cheque in question to respondents No. 1 & 2 and cheque said to have been dishonoured, pursuant to which, proceedings under Section 138 of the NI Act has been initiated against the petitioner. In the said proceedings, the petitioner was discharged/acquitted from the offence under Section 138 of the NI Act for want of sanction under Section 197 of the CrPC vide order dated 29.11.2019, against which the complainants/respondents No. 1 & 2 herein preferred revision which has been entertained and the impugned order has been passed against the petitioner and the matter has been remanded to the trial Court to proceed in accordance
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with law.

Looking to the facts and circumstances of the case particularly that question of sanction under Section 197 of CrPC is paramount importance in this case and the complainant has filed complaint against the government servant without complying the provision of Section 197 of CrPC, this Court is of the opinion that the impugned order dated 25.02.2020 is hereby stayed till the next date of hearing only.

Meanwhile, learned counsel for the respondents are directed to file reply to the petition.

List this matter after the reply of the respondent is received.

Sd/-
(Arvind Kumar Verma)
Judge