



2026:CGHC:39442



CGHC010320062026



2026:CGHC:39442

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2360 of 2026

- Kumari Kamna Vishwakarma D/o Shri Laxmi Prasad Vishwakarma, Aged About 16 Years (Now 21 Years) Smt. Shakuntala Singh Vishwakarma, W/o Laxmi Prasad Vishwakarma, Aged About 52 Years, R/o Near Pump House, Sonkarbadi, Kushalpur, Tahsil And District Raipur (C.G.)

... **Petitioner****versus**

- Laxmi Prasad Vishwakarma S/o Shri Manu Prasad Vishwakarma, Aged About 62 Years, R/o Aman Nagar, Behind Ashoka Heights, Mova, Police Station Mova, Tahsil And District Raipur (C.G.)

... **Respondent**

For Petitioner	: Mr. Vipin Punjabi, Advocate
For Respondent	: Mr. Rajesh Kumar Kesharwani, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

09.09.2026

1. The petitioner has filed the instant petition under Section 528 of BNSS r/w 482 of CrPC seeking extension of time to file an appeal before the Sessions court in pursuance of order dated 22.09.2025 passed in ACQA No. 204 of 2022.
2. The record of the case would show that the petitioner had filed an appeal bearing ACQA No. 204 of 2022 under Section 378(4) of the Code of Criminal Procedure, 1973 before this Court assailing the judgment of acquittal dated 25.11.2021 passed by the Judicial



Magistrate First Class, Raipur, District Raipur (C.G.) in Complaint Case

No. 4236/2017 whereby the JMFC has acquitted the respondent/accused from the charges under Section 138 of the Negotiable Instrument Act, 1881.

3. This Court vide order dated 22.09.2025 has disposed of ACQA No. 204 of 2022 by granting liberty to the petitioner to prefer an appeal against the impugned judgment dated 25.11.2021 passed by the Judicial Magistrate First Class, Raipur, District Raipur (C.G.) in Complaint Case No. 4236/2017, before the concerned Sessions Judge within a period of 30 days from the date of receipt of copy of this order.
4. Learned counsel for the petitioner would submit that the petitioner could not prefer the appeal before the concerned Appellate Court/ Sessions Judge within the stipulated time period on account of the unfortunate demise of a family member and certain personal difficulties and would pray for extending the time limit to prefer the said appeal.
5. Learned counsel for the respondent vehemently objecting the aforesaid submission would submit that the reasons assigned by the learned counsel for the petitioner for delay are neither justifiable nor bonafide, therefore he is not entitled to be granted any further extension of time for preferring the appeal and would pray for rejection of the instant petition.
6. I have heard learned counsel for the parties and perused the material available on record.
7. Considering the facts and circumstances of the case, the instant petition is disposed of. However, the petitioner is directed to prefer an appeal before the concerned Appellate Court/Sessions Judge within further 30 days from the date of receipt of copy of this order.



8. In the eventuality of filing of the appeal within further 30 days from the date of receipt of copy of this order by the petitioner, neither the Appellate Court/Sessions Judge nor respondent will take a plea of limitation as this Court has already condoned the delay in preferring the appeal by the time period granted by this Court and the Appellate Court/Sessions Judge is also directed to decide the appeal preferred by the petitioner on its own merit in accordance with law.

Sd/-

(Narendra Kumar Vyas)

Judge

Bhumika