



2026:CGHC:22688



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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2913 of 2025

1 - Sewa Ram S/o Sonu Ram Aged About 55 Years R/o H. No. 332, Basti Para, Janjgiri,
Tehsil Dhamda, District Durg, Chhattisgarh **... Petitioner(s)**

versus

1 - Manish Kumar S/o Jivan Lal Sahu Aged About 38 Years R/o Patel Para Urla, B.M.Y.
Charoda, Tehsil Patan, District - Durg Chhattisgarh **... Respondent(s)**

For Petitioner(s) : Mr. T. K. Jha, Sr. counsel with Mr. Parth Kumar Jha,
Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Judgment on Board

13/05/2026

This Cr.M.P. has been filed for recalling the judgment dated 13.08.2025 passed in Cr.M.P. No.3342 of 2024.

2. Learned counsel appearing for the petitioner submits that Cr.M.P. No. 3342 of 2024 for leave to appeal was filed by applicant/petitioner Sewa Ram against the judgment of acquittal dated 26.06.2024 passed in Criminal Appeal No.147 of 2024 by the Additional Sessions Judge, Durg, District Durg (Chhattisgarh). He further submits that inadvertently when the said Cr.M.P. came up for hearing before this Court, a submission was made that in light of a judgment passed by the Hon'ble Supreme Court in the case of M/s Celestium Financial v. A. Gnanasekaran Etc., reported in 2025 INSC 804, an appeal would lie against the order passed by the



Judicial Magistrate First Class, Durg in Criminal Complaint Case No.902 of 2022 by which the accused/respondent was convicted for an offence under Section 138 of the Negotiable Instruments Act, 1881. This Court while disposing of the said Cr.M.P. passed the following order:

- “8. In the light of the submissions made above and also keeping in view the law laid down by the Supreme Court referred to above, this Court is inclined to permit the appellant to withdraw this application by granting him liberty to prefer the appeal against the impugned judgment dated 22.11.2024 before the concerned Sessions Judge within a period of 60 days from the date of receipt of copy of this order. Order accordingly. It is clarified that if such an appeal is filed before the concerned Session Judge within the time given by this Court, it would not insist upon the limitation while deciding the same and will proceed to decide the same in accordance with law.”
3. Learned counsel for the petitioner further submits that due to bona fide mistake the submission was made. In fact, no appeal would be maintainable before the learned Additional Sessions Judge as the appeal has already been preferred by the accused/respondent which was allowed by the learned Additional Sessions Judge in Criminal Appeal No.147 of 2024. Therefore, the order passed in the said Cr.M.P. may be recalled.
4. Be that as it may, from perusal of the material available it appears that this Court while deciding the aforesaid Cr.M.P. has permitted the applicant to file an appeal, but, such appeal would not be maintainable.
5. In view of the above, the order dated 13.08.2025 passed in Cr.M.P. No.3342 of 2024 is recalled and the said Cr.M.P. is restored to its original number.
6. Permission is granted.
7. The instant Cr.M.P. is disposed of.

Sd/-
(Sachin Singh Rajput)
JUDGE