



2026:CGHC:10568

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2914 of 2023

Sandeep Jain S/o Rikhabchand Jain, Aged About 36 Years, Proprietor-
Mahaveer Fast Food, Brahmanpara Durg, District Durg, Chhattisgarh.

... **Petitioner**

versus

Sarjeet Sumantharan S/o Late V Sumantharan, Aged About 44 Years, R/o
Quarter No. 86 / D, B S P Quarters, Ruwabandha Sector, Bhilai, P.S. - Newai,
Bhilai, District : Durg, Chhattisgarh

... **Respondent**

For Petitioner : Ms. Swechchha Sharma, Advocate appears on
behalf of Shri Prasoon Agrawal, Advocate.

SB: Hon'ble Shri Justice Sanjay S. Agrawal

Order on Board

28/02/2026

1. By virtue of this petition, the petitioner is questioning the legality and propriety of the order dated 02/08/2023, passed by Judicial Magistrate First Class, Durg (C.G.) in Criminal Case No.7026/2017 (also mentioned as RCC/7026/2017), whereby the case has been dismissed for want of prosecution.
2. Counsel appearing for the petitioner has prayed for withdrawal of this petition with liberty to avail the alternative remedy in the light of principles laid down by Hon'ble Supreme Court in the matter of **M/s**

Celestium Financial vs. A. Gnanasekaran Etc.,* reported in **2025 INSC 804.*

3. Having considered the aforesaid submissions of the counsel appearing for the petitioner in the light of the aforesaid principles laid down by the Supreme Court in the above referred matter, the instant petition stands disposed of with a direction that, if the petitioner questions the impugned judgment of acquittal in appeal within a period of 60 days from today, the concerned Sessions Judge would not insist upon the limitation while deciding the same and will proceed to decide the appeal, in accordance with law.
4. Registry shall return the certified copy of the impugned judgment (Annexure-A/1) and relevant documents to counsel for the petitioner after obtaining the photocopy of the same and, shall remit the record to the concerned Court forthwith.
5. Accordingly, the petition is disposed of.

Sd/-

(Sanjay S. Agrawal)
JUDGE

Kamde