



2026:CGHC:3649

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

**CRMP No. 3077 of 2025**

**1** - Kesari Verma S/o Ayodhyaya Prasad Verma Aged About 54 Years R/o Radha Vihar Colony, Balodabazar, Police Station Balodabazar, District Balodabazar C.G., Through Its Power Of Attorney Holder Rajesh Mishra S/o Shashikant Mishra, Age 45 Years, R/o Radha Vihar Colony, Balodabazar, Police Station Balodabazar, District Balodabazar C.G.

... **Petitioner(s)**

**versus**

**1** - Devprasad Patel S/o Kuruso Patel Aged About 42 Years R/o Village Dhurupali, Tehsil Pithora, District Mahasamund C.G.

... **Respondent(s)**

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|-------------------|---|-------------------------------|
| For Petitioner(s) | : | Mr. Shashwat Mishra, Advocate |
| For Respondent(s) | : | Mr. Rishabh Agrawal, Advocate |

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**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**21.01.2026**

1. Heard.
2. This is an application for grant of leave to file acquittal appeal.
3. Learned counsel appearing for the petitioner would submit that the learned trial Court has convicted the respondent/ accused for the offence

under Section 138 of Negotiable Instruments Act, 1881, however, in the appeal filed by the respondent/ accused before the learned 3<sup>rd</sup> Addl. Sessions Judge, Balodabazar, he has been acquitted. The acquittal of respondent/ accused is perverse as the learned appellate Court has considered that the complainant as failed to prove the legally recoverable debt whereas there is statutory presumption in favour of the complainant, thereby, there are sufficient material on the record to grant leave to the appellant for acquittal appeal.

4. On due consideration, the application for grant of leave is allowed and the applicant is granted leave to file acquittal appeal.
5. Registry is directed to register the present Cr.MP as acquittal appeal and list it after two weeks.
6. Mr. Rishabh Agrawal accepts notice on behalf of the respondent and prays for some time to argue the matter.
7. List this case after two weeks.
8. Registry is directed to publish the name of Mr. Rishabh Agrawal from the respondent side in the cause list.
9. Accordingly, the present Cr.M.P. is allowed.

**Sd/-**  
**(Ravindra Kumar Agrawal)**  
Judge