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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE RAJEEV KUMAR DUBEY**

ON THE 23rd OF JUNE, 2022

MISC. CRIMINAL CASE No. 36287 of 2021

Between:-

**AJAY BAJAJ S/O LATE SHRI JUGAL KISHORE
BAJAJ , AGED ABOUT 58 YEARS, OCCUPATION:
BUSINESS R/O RAMGOPALJI WARD HATTA
DISTT. DAMOH MP (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI UTTKARSH AGRAWAL, ADVOCATE)

AND

**PRAKASH CHAND AGRAWAL S/O LATE SHRI
JUGAL KISHORE BAJAJ , AGED ABOUT 59
YEARS, OCCUPATION: PROPRIETOR AGRAWAL
TRADING COMPANY HATTA R/O SANJAY WARD
HATTA PS, AND TEH. HATTA DAMOH MP
(MADHYA PRADESH)**

.....RESPONDENT

(SHRI Y.K. GUPTA, LEARNED COUNSEL FOR THE RESPONDENT)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

This application has been filed under Section 378(4) of Cr.P.C. for grant of leave to file appeal against the judgment dated 30.06.2021 passed by learned Judicial Magistrate First Class, Hata, District Damoh in SC NIA No.300489/2016 whereby learned JMFC has rejected the applicant's complaint and acquitted the respondent from the charge punishable under Section 138 of the Negotiable Instrument Act.

On due consideration of the facts and circumstance of the case and the

material available on record, I am of the view that it is a fit case in which permission for grant of leave to appeal can be allowed, meaning thereby, the matter has to be admitted for final hearing.

Accordingly, the application filed by the applicant u/S.378(4) of Cr.P.C. is allowed and permission for grant of leave to appeal is granted.

With the aforesaid, present M.Cr.C. is disposed of.

Appeal filed as a consequence of this order, be registered and proceeded as per rules, as admitted.

Respondent is directed to furnish personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in like amount to the satisfaction of the trial Court for his appearance before the trial Court on **10.08.2022** and on such further dates as may be fixed in this behalf by the trial Court during the pendency of this appeal.

List the matter for final hearing after four weeks.

(RAJEEV KUMAR DUBEY)
JUDGE