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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.L.P. 145/2025

CAPTAIN RAM NIWAS CHILLARPetitioner

Through: Mr. Siddhant Rai Sethi and Mr.
Kustubh Singh, Advocates.

versus

RAMESH SINGH

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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20.08.2025

CRL.M.A. 24558/2025 (seeking directions)

1. This is an application, filed on behalf of appellant under Section 582 BNSS, 2023 seeking directions to treat the present leave to appeal petition as an appeal filed under Section 413 in terms of judgment of Hon'ble Supreme Court in *M/s Celestium Financial vs. A. Gnansekarana etc* [2025 SCC OnLine SC 1320].
2. Mr. Siddhant Rai Sethi, learned counsel appearing for the petitioner, states that in view of judgment of Hon'ble Supreme Court in *M/s Celestium* (Supra), victim is entitled to file an appeal against the judgment of acquittal and is not required to seek leave to appeal. He prays that the present petition be transferred to the Court of Sessions to be treated as an appeal.
3. The Hon'ble Supreme Court in the case of *M/s Celestium* (Supra), has opined that a complainant, who prefers a complaint under Section 138 NI Act, is an aggrieved party, who has suffered an economic loss due to dishonour of cheque and such complainant qualifies as a victim within the meaning of Section 2(wa) Cr.P.C. Consequently, it was held that such a



complainant ought to be entitled to the benefit of the proviso to Section 372 Cr.P.C and maintain an appeal against the order of acquittal in his own right without having to seek leave to appeal under Section 378 Cr.P.C.

4. Petitioner in this case was a complainant in a complaint preferred under Section 138 NI Act, and is, thus entitled to maintain an appeal under Section 372 Cr.P.C (Section 413 BNSS).

5. In terms of proviso to Section 413 BNSS, an appeal against the judgment of acquittal, passed by the learned Metropolitan Magistrate, will have to be heard by the Court of Sessions. If the petition is allowed to continue before this Court, the parties will stand to lose one forum of challenge.

6. In view of the above, the present matter is disposed of with direction that the present petition be treated as an appeal in terms of proviso to Section 413 BNSS and numbered accordingly.

7. Registry to transfer the entire record of the case to the learned Appellate Sessions Court.

8. The order be communicated to the concerned Principal District and Sessions Judge for compliance, who may try the matter himself or may assign it to the Court having the jurisdiction.

9. The parties are directed to appear before the concerned Principal District and Sessions Judge on 04.09.2025.

10. The date earlier fixed i.e. 17.12.2025, shall stand cancelled.

RAVINDER DUDEJA, J

AUGUST 20, 2025/vd