$~22 to 27

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

\+ **CRL.L.P. 519/2022 & CRL.M.A. 23601/2022, CRL.M.A. 23602/2022, CRL.M.A. 23603/2022**

ASHISH AGGARWAL .....Petitioner
Through: Ms. Nandita Rao and Mr. Avinder Singh, Senior Advocates with Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya and Mr. Navin Rawat, Advs.

versus

SHARVAN KUMAR WADHWA .....Respondent
Through:

\+ **CRL.L.P. 523/2022 & CRL.M.A. 23736/2022, CRL.M.A. 23738/2022**

ASHISH AGGARWAL .....Petitioner
Through: Ms. Nandita Rao and Mr. Avinder Singh, Senior Advocates with Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya and Mr. Navin Rawat, Advs.

versus

SHARVAN KUMAR WADHWA .....Respondent
Through:

\+ **CRL.L.P. 524/2022 & CRL.M.A. 23739/2022, CRL.M.A. 23741/2022**

ASHISH AGGARWAL .....Petitioner
Through: Ms. Nandita Rao and Mr. Avinder Singh, Senior Advocates with Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya and Mr. Navin Rawat, Advs.

versus

INDIA EXPORTS TODAY AND ANR .....Respondents
Through:

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+ **CRL.L.P. 525/2022 & CRL.M.A. 23781/2022, CRL.M.A. 23782/2022, CRL.M.A. 23783/2022**

ASHISH AGGARWAL .....Petitioner

Through: Ms. Nandita Rao and Mr. Avinder Singh, Senior Advocates with Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya and Mr. Navin Rawat, Advs.

versus

ANURAJ JAIN .....Respondent

Through:

+ **CRL.L.P. 526/2022 & CRL.M.A. 23864/2022, CRL.M.A. 23865/2022, CRL.M.A. 23866/2022**

ASHISH AGGARWAL .....Petitioner

Through: Ms. Nandita Rao and Mr. Avinder Singh, Senior Advocates with Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya and Mr. Navin Rawat, Advs.

versus

INDIA EXPORTS TODAY AND ANR & ANR. .....Respondents

Through:

+ **CRL.L.P. 527/2022 & CRL.M.A. 23867/2022, CRL.M.A. 23868/2022, CRL.M.A. 23869/2022**

ASHISH AGGARWAL .....Petitioner

Through: Ms. Nandita Rao and Mr. Avinder Singh, Senior Advocates with Mr. Devendra Kejariwal, Ms. Arpita Bhattacharyya and Mr. Navin Rawat, Advs.

versus

CRAFTPAC CONTAINERS PVT LTD AND ANR & ANR. .....Respondents

Through:

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CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 22.07.2025

1. The present leave to appeals are filed under Section 378 of the Code of Criminal Procedure, 1973 ('**CrPC**') against the judgement dated 28.06.2022, passed by the learned Metropolitan Magistrate ('**MM**'), South District, Saket Courts, New Delhi, whereby the respondents were acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 ('**NI Act'**) in Complaint Case Nos. 401/2016, 399/2016, 407/2016, 411/2016, 400/2016 and 406/2016 respectively.

2. At the outset, the learned senior counsel for the petitioners states that in view of the judgment of the Hon'ble Apex Court in the case of ***Celestium Financial v. A. Gnanasekaran*****: 2025 SCC OnLine SC 1320,** the petitioners being the victim are entitled to file an appeal against the judgment of acquittal and are not required to seek leave to appeal. He submits that the present petitions be transferred to the learned Court of Sessions to be treated as appeals.

3. The Hon'ble Apex Court in the recent decision in ***Celestium Financial v. A. Gnanasekaran*** (**supra**) has opined that a complainant who prefers a complaint under Section 138 of the NI Act is an aggrieved party who suffers economic loss due to dishonour of cheque, and such a complainant qualifies as a victim within the meaning of Section 2(wa) of the CrPC. Consequently, it was held that such a complainant is entitled to the benefit of the proviso of Section 372 of CrPC, enabling them to maintain an appeal against an order of acquittal without seeking leave to appeal under Section 378(4) of the CrPC.

4. The petitioner was the complainant in the complaints

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preferred under Section 138 of the NI Act, thus are entitled to maintain an appeal under Section 372 of the CrPC.

5. In terms of proviso to Section 372 of the CrPC, an appeal by a victim against the judgment of acquittal passed by the learned MM will have to be heard by the learned Court of Sessions. If the petitions are allowed to continue before this Court, the parties will stand to lose a forum of challenge.

6. In view of the above, the present matters are disposed of with direction that the present petitions be treated as appeals under proviso to Section 372 of the CrPC and numbered accordingly.

7. The Registry is directed to transfer entire record of the cases, including the requisitioned Trial Court Records, to the concerned Appellate Court of Sessions.

8. The order be communicated to the learned Principal District & Sessions Judge for compliance and listing before the concerned Appellate Court on 27.08.2025.

9. The parties are directed to appear before the learned Appellate Court on 27.08.2025.

10. Considering that the matters have been pending before this Court since the year 2022, the learned Sessions Court is requested to dispose of the matters expeditiously.

11. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

JULY 22, 2025

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