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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 367/2025 & CRL.M.A. 20188/2025**
YOGESH KATARIAPetitioner

Through: Mr. Anish Shresiha and Mr. Firoz
Khan, Advocates.

versus

STATE OF GOVT OF NCT DELHI & ANR.Respondents
Through: Mr. Hemant Mehla, APP for State.
SI Parveen Kumar, P.S. Malviya
Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **16.07.2025**

1. The present application under Section 419(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ [formerly Section 378(4) of the Code of Criminal Procedure, 1973²], seeks leave to appeal against the judgment dated 26th March, 2025, passed by the Judicial Magistrate First Class (NI Act), Saket Courts, New Delhi, in Complaint Case No. 3579/2017 under Section 138 of the Negotiable Instruments Act, 1881, whereby Respondent No. 2 was acquitted. The Appellant was the Complainant in the said case.
2. The Supreme Court, in the recent judgement of *Celestium Financial v. Gnanasekaran*³ has held that the complainant is indeed a “victim” within

¹ “BNSS”

² “Cr.P.C.”

³ 2025 SCC OnLine SC 1320



the meaning of Section 2(wa) of the Code of Criminal Procedure, 1973,⁴ in cases of dishonour of cheque.

3. In light of the above judgment, since the Appellant has a statutory right of appeal under Section 413 of BNSS (formerly Section 372 of Cr.P.C.) and is not required to seek leave under Section 419 of BNSS, the appropriate remedy would be to file an appeal before the Sessions Court.

4. In light of the above, counsel for Appellant, states that he would like to withdraw the present petition and seeks liberty to file an appeal before the Sessions Court against the order of acquittal.

5. Dismissed as withdrawn with liberty as aforesaid.

6. As and when such an appeal is filed, the same shall be adjudicated on its own merits in accordance with law.

7. Pending applications also stand disposed of.

SANJEEV NARULA, J

JULY 16, 2025

as
