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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.L.P. 397/2025

SH. DILBAGH

.....Petitioner

Through: Mr. Sanjeev Sharma, Adv.
(through VC)

versus

SH. TEJPAL

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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31.07.2025

1. The present leave to appeal is filed under Section 419(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') against the judgement dated 20.05.2025, passed by the learned Judicial Magistrate-Ist Class ('JM') (NI Act)-09, South-West, Dwarka, whereby the respondent was acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') in CC NI ACT / 31880/2024.

2. At the outset, the learned counsel for the petitioner 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 petitioner being a victim is entitled to file an appeal against the judgment of acquittal and is not required to seek leave to appeal.

3. He seeks liberty to withdraw the present petition and file an appeal under the proviso to Section 413 of the BNSS before the learned Court of Sessions.

4. In view of the above, the present petition is dismissed as withdrawn with the aforesaid liberty.

AMIT MAHAJAN, J

JULY 31, 2025 / 'KDK'