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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.A. 1093/2023

RAVINDER KAUR

.....Appellant

Through: Dr. Ashutosh, Adv.
(through VC)

Versus

BHAVNEET WALIA

.....Respondent

Through: Mr. Madhusudan Singh &
Mr. Animesh K. Sinha,
Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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15.07.2025

1. The present appeal is filed against the judgement dated 10.07.2019, passed by the learned Metropolitan Magistrate ('MM'), West district, Tis Hazari Courts, Delhi, whereby the respondent was acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') in Complaint Case No. 17540/2016.

2. At the outset, the learned counsel for the appellant 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 appellant being a victim is entitled to file an appeal against the judgment of acquittal and is not required to seek leave to appeal. He submits that the present appeal be transferred to the learned Court of Sessions.

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 Code of Criminal Procedure, 1973 ('CrPC'). Consequently, it was held



that such a complainant is entitled to the benefit of the proviso of Section 372 of the 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 appellant was the complainant in the complaint preferred under Section 138 of the NI Act, thus is entitled to maintain an appeal under Section 372 of the CrPC against the judgment of acquittal.

5. In terms of proviso to Section 372, 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 appeal is allowed to continue before this Court, the parties will stand to lose a forum of challenge.

6. In view of the above, the present matter is disposed of with direction that the present appeal be treated as one under proviso to Section 372 of the CrPC and numbered accordingly.

7. The Registry is directed to transfer entire record of the case, including the requisitioned copy of the Trial Court Record, 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 28.08.2025.

9. The parties are directed to appear before the learned Appellate Court on 28.08.2025.

10. Considering that the matter has been pending before this Court since the year 2023, the learned Sessions Court is requested to dispose of the matter expeditiously.

AMIT MAHAJAN, J

JULY 15, 2025/“SS”