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

+ **CRL.L.P. 51/2025 & CRL.M.A. 1745/2025**

RELIGARE FINVEST LIMITEDPetitioner
Through: Mr. Siddharth Sharma and
Ms. Ishika Chauhan, Advs.
(through VC)

versus

SUDHIR JAINRespondent
Through: Mr. Varun Garg &
Mr. Nipun Gupta, Advs.

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+ **CRL.L.P. 103/2025 & CRL.M.A. 5007/2025**

RELIGARE FINVEST LIMITEDPetitioner
Through: Mr. Siddharth Sharma and
Ms. Ishika Chauhan, Advs.
(through VC)

versus

SUDHIR JAINRespondent
Through: Mr. Varun Garg &
Mr. Nipun Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **08.08.2025**

1. The present leave to appeal petitions are filed under Section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') against the judgment dated 31.05.2023, passed by the learned Metropolitan Magistrate ('MM'), Rouse Avenue Court Complex, New Delhi, whereby the respondent was acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') in CC Nos. 8193/2017 and 8195/2017.

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. He submits that the present petition be transferred to the learned Court of Sessions to be treated as an appeal.

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 the 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 petitioner was the complainant in the complaint preferred under Section 138 of the NI Act, and is thus entitled to maintain an appeal under Section 413 of the BNSS [*erstwhile* Section 372 of the CrPC].

5. In terms of the proviso to Section 413 of the BNSS, 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 petition 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 petition be treated as an appeal under the proviso to Section 413 of the BNSS and numbered



accordingly.

7. The present petitions have been filed with a delay of 485 days. The same shall be considered by the Court of Sessions.

8. The Registry is directed to transfer entire record of the case to the concerned appellate Court of Sessions.

9. The order be communicated to the learned Principal District & Sessions Judge for compliance and listing before the concerned Appellate Court on 11.09.2025.

10. The parties are directed to appear before the concerned Appellate Court on 11.09.2025.

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

AMIT MAHAJAN, J

AUGUST 8, 2025

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