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

+ **CRL.L.P. 579/2018 & CRL.M.A. 7412/2024**

RAM PRASAD

.....Petitioner

Through: Ms. Nisha Narayanam,
Adv.

versus

THE STATE (NCT OF DELHI)

& ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP
for the State

+ **CRL.L.P. 581/2018 & CRL.M.A. 7852/2024**

RAM PRASAD

.....Petitioner

Through: Ms. Nisha Narayanam,
Adv.

versus

THE STATE (NCT OF DELHI)

& ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP
for the State

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **15.07.2025**

1. The present petitions are filed under Section 378 of the Code of Criminal Procedure, 1973 ('CrPC') against the judgement dated 29.05.2018, passed by the learned Metropolitan Magistrate ('MM'), New-Delhi District, Patiala House Courts, New Delhi, whereby Respondent No. 2 was acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') in Complaint Case Nos. 1255/2017 and 1254/2017 respectively.

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 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 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 complaints 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 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 copy of the 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 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 2018, the learned Sessions Court is requested to dispose of the matter expeditiously.

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

AMIT MAHAJAN, J

JULY 15, 2025