



\$~16 to 25

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

+ **CRL.L.P. 671/2018**

RAHUL JAINPetitioner

Through: None
versus

STATE & ANR.Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advs.

17

+ **CRL.L.P. 672/2018**

RAHUL JAINPetitioner

Through: None
versus

STATE & ANR.Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advs.

18

+ **CRL.L.P. 673/2018**

RAHUL JAINPetitioner

Through: None
versus

STATE (GOVT OF NCT OF
DELHI) & ANRRespondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advs.

19

+ **CRL.L.P. 674/2018**

RAHUL JAINPetitioner

Through: None
versus

STATE (GOVT OF NCT OF
DELHI) & ANRRespondents



Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advts.

20

+ **CRL.L.P. 675/2018**

RAHUL JAINPetitioner

Through: None
versus

STATE & ANR.Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advts.

21

+ **CRL.L.P. 676/2018**

RAHUL JAINPetitioner

Through: None
versus

STATE (GOVT OF NCT OF
DELHI) & ANRRespondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advts.

22

+ **CRL.L.P. 677/2018**

RAHUL JAINPetitioner

Through: None
versus

STATE (GOVT OF NCT OF
DELHI) & ANRRespondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advts.

23

+ **CRL.L.P. 678/2018**

RAHUL JAINPetitioner



Through: None
versus



STATE & ANR.Respondents
Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advts.

24

+ **CRL.L.P. 679/2018**

RAHUL JAINPetitioner
Through: None
versus

STATE & ANR.Respondents
Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advts.

25

+ **CRL.L.P. 680/2018**

RAHUL JAINPetitioner
Through: None
versus

STATE & ANR.Respondent
Through: Mr. Sunil Kumar Gautam,
APP for the State
Mr. Naman Aggarwal, Mr.
Yash Sharma & Mr.
Aditya Dev Sharma, Advts.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
29.07.2025

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1. The present leaves to appeal have been filed under Section 378 of the Code of Criminal Procedure, 1973 ('CrPC') against the judgment dated 14.08.2018, passed by the learned Metropolitan Magistrate ('MM'), Central District, Tis Hazari Courts, New Delhi, whereby Respondent No. 2 was acquitted of

CRL.L.P. 671/2018 & connected matters

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the offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') in Ct Case Nos. 516357/2016, 533667/2016, 533668/2016, 533669/2016, 533673/2016, 533740/2016, 513405/2016, 513426/2016, 513594/2016 and 513595/2016.

2. None appears for the petitioner.
3. Recently, the Hon'ble Apex Court in the case ***Celestium Financial v. A. Gnanasekaran*** : 2025 SCC OnLine SC 1320 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 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, and is thus entitled to maintain appeals under Section 372 of the CrPC.
5. In terms of the *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 the *proviso* to Section 372 of the CrPC and be numbered accordingly.
7. The Registry is directed to transfer the entire record of the cases to the concerned appellate Court of Sessions.



8. The order be communicated to the learned Principal District & Sessions Judge, Central District, Tis Hazari Courts, Delhi for compliance and listing before the concerned Appellate Court on 08.09.2025.
9. The parties are directed to appear before the concerned Appellate Court on 08.09.2025.
10. Considering that the matters have been pending before this Court since the year 2018, the learned Sessions Court is requested to dispose of the matters expeditiously.
11. Copy of the order be also communicated to counsel for the parties who represented the petitioner and respondent in the present cases.
12. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

JULY 29, 2025

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