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

+ CRL.L.P. 777/2018

DEEPAK BHARDWAJ

.....Petitioner

Through: Mr. Ved Pal Rana and Mr.
Siddharth Shankar,
Advocates.

versus

RK SHARMA

.....Respondent

Through: None.

+ CRL.L.P. 778/2018

DEEPAK BHARDWAJ

.....Petitioner

Through: Mr. Ved Pal Rana and Mr.
Siddharth Shankar,
Advocates.

versus

RK SHARMA

.....Respondent

Through: None.

+ CRL.L.P. 779/2018

M/S DELHI APARTMENTS PVT. LTD.

.....Petitioner

Through: Mr. Ved Pal Rana and Mr.
Siddharth Shankar,
Advocates.

versus

RK SHARMA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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23.07.2025

1. The present leave petitions are filed under Section 378 of the Code of Criminal Procedure, 1973 ('CrPC') against the



separate judgements dated 16.08.2018, passed by the learned Metropolitan Magistrate ('MM'), South West District, Dwarka Courts, whereby the respondent was acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') in CC Nos. 4993603/2016, 4993602/2016 and 4994789/2016.

2. At the outset, the learned counsel for the petitioners 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 petitioners being victims are entitled to file an appeal against the judgment of acquittal and are 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 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 petitioners were the complainants in the respective complaints preferred under Section 138 of the NI Act, and are thus entitled to maintain an appeal 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 numbered accordingly.

7. The Registry is directed to transfer entire record of the cases, including the requisitioned copy of TCRs, to the concerned appellate Court of Sessions.

8. The order be communicated to the concerned Principal District & Sessions Judge for compliance and listing before the concerned Appellate Court on 25.08.2025.

9. The parties are directed to appear before the learned Appellate Court on 25.08.2025.

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 also communicated to the counsel who represented the respondent in the present cases.

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

AMIT MAHAJAN, J

JULY 23, 2025

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