

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST ACQUITTAL) NO. 582 of 2024****With****R/CRIMINAL APPEAL NO. 583 of 2024****With****R/CRIMINAL APPEAL NO. 584 of 2024****With****R/CRIMINAL APPEAL NO. 585 of 2024****With****R/CRIMINAL APPEAL NO. 586 of 2024****With****R/CRIMINAL APPEAL NO. 587 of 2024****With****R/CRIMINAL APPEAL NO. 588 of 2024****With****R/CRIMINAL APPEAL NO. 602 of 2024****With****R/CRIMINAL APPEAL NO. 603 of 2024**

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MAGANBHAI HARIBHAI VIRANI MANANGING DIRECTOR OF SHRI MOTA
LILYA CREDIT CO.OP. SOCIETY LTD.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

SIDDHARTH R KHESKANI(9483) for the Appellant(s) No. 1

BAILABLE WARRANT SERVED for the Opponent(s)/Respondent(s) No. 2

MS JIGISHA N RAVAL(12724) for the Opponent(s)/Respondent(s) No. 2

MR YUVRAJ BRAHMBHATT, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE SANJEEV J. THAKER

Date : 09/02/2026

ORAL ORDER

1. These are acquittal appeals filed under Section 378 of the Code of Criminal Procedure, 1973 (Cr.P.C. for short) Section 419 of the Bharatiya Nagrik Suraksha Sanhita, 2023 ('BNSS' for short) by the complainant against the judgment and order impugned passed by the learned trial Court, whereby the learned trial Court had acquitted the respondent/s/accused of the charge under Section 138 of the

Negotiable Instruments Act, 1881 (hereinafter referred to as the 'NI Act' for short).

2. Heard learned advocates for the parties. Learned APP has submitted that this matter is required to be transferred in view of the recent decision of this Court passed in *Criminal Miscellaneous Application Nos. 12753 of 2019 with 12908 of 2019*.

3. Before entering into the merits of this case, this Court deems it proper to refer to the latest decision rendered by this Court in the case of *Shivsinh Ganpatsinh Solanki V/s State of Gujarat & Anr.* being *Criminal Miscellaneous Application Nos. 12753 of 2019 with 12908 of 2019 on 23.12.2025*, wherein, after considering the various judgments of the Hon'ble Supreme Court, more particularly, the judgment in the matter of *M/s Celestium Financial V/s A.Gyanasekaran etc. reported in 2025 INSC 804*, has observed and held that the Complainant, in a complaint under Section 138 of the N.I. Act, being a Victim, has a specific right to appeal under proviso of Section 372 of the Code / Section 413 of the BNSS to the Court which is immediately superior in hierarchy i.e., the Sessions Court. Therefore, the applications for leave to appeal/appeals which are pending before this Court can be disposed of with a

direction to transfer the said application/appeal to the concerned Sessions Court.

4. In view of the above, learned advocate for the petitioner requested to transfer the appeals to the concerned Sessions Court.

5. In view of the said request, these appeals are disposed of with a direction to the Registry to transfer the appeals to the concerned Sessions Court. After they are transferred to the concerned Sessions Court, they have to be treated as Appeals under the proviso under Section 413 of the BNSS and numbered accordingly and issue notice to the parties. The Registry is directed to transfer the entire record of the case, including the certified copies of the order impugned and record & proceedings, if lying with this Court, to the concerned lower Appellate Court, forthwith.

6. It is clarified that this Court has not gone into the merits of the matters at this stage.

SRILATHA

(SANJEEV J.THAKER,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SRILATHA VENKATARAO UPADHYAYULA(HC00185), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 09/02/2026 18:31:23