IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST ACQUITTAL) NO. 1909 of 2018

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PRAVINCHANDRA MULCHANDBHAI SUTARIYA & ORS.

Versus

JYOTINDRA PRANLAL JARIWALA PROPRIETOR OF VENKATESH YARN TRADERS & ANR.

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Appearance:
C J GOGDA(7488) for the Appellant(s) No. 1.1,1.2,1.3,1.4,1.5
UNSERVED EXPIRED (N) for the Appellant(s) No. 1
MR. RAUHAN GOGDA, ADVOCATE for VIKAS V NAIR(7444) for the Appellant(s) No. 1.1,1.2,1.3,1.4,1.5
MR MAHARSHI PATEL ADVOCATE for HL PATEL ADVOCATES(2034) for the Opponent(s)/Respondent(s) No. 1
MS CM SHAH, APP for the Opponent(s)/Respondent(s) No. 2

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 26/10/2026

ORAL ORDER

1. This appeal has been filed by the appellant – original complainant filed under Section 378(4) of Cr.P.C. (hereinafter referred to as 'Cr.P.C.' for short) against the judgment and order passed by the learned 5th Additional Judicial Magistrate First Class, Surat (hereinafter referred to as 'the learned Trial Court) in Criminal Case No. 10162 of 2016 on 30.08.2018, whereby the learned Trial Court has acquitted the respondent no.1 – original accused for the offence under Section 138 of the Negotiable

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

2. Heard learned advocate Mr. Rauhan Gogda appearing for learned advocate Mr.Vikas Nair for the appellants, learned advocate Maharshi Patel appearing for H.L.Patels advocates for the respondent no.1 – accused and learned APP Ms.C.M.Shah for the respondent no.2 - State.

3. Learned advocate for the appellants has submitted that as it is an acquittal appeal, the victim has a specific right under the proviso of Section 372 of the Code of Criminal Procedure, 1973 / Section 413 of the Bhartiya Nagrik Suraksha Sanhita, 2023, and the matter may be transferred to the concerned Sessions Court, in light of the judgment in the case of M/s Celestium Financial V/s A.Gyanasekaran etc. reported in 2025 INSC 804.

4. In view of the above, at the request of learned advocate for the appellants, the Registry is directed to transfer the appeal along with the entire record of the case including the certified copies of the impugned order and record &

proceedings, if lying with this Court, to the concerned Sessions Court, forthwith.

5. As the appeal is of the year 2018, a request may be made to the learned Sessions Court for expeditious disposal of the appeal. It is clarified that this Court has not gone into the merits of the matter.

(S. V. PINTO,J)

F.S. KAZI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAZI FARUKHUSEN(HC01075), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 26/10/2026 15:16:24