HC-KAR



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17TH DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S RACHAIAH**

**CRIMINAL APPEAL NO. 2181 OF 2024 (A)**

**C/W**

**CRIMINAL APPEAL NO. 2187 OF 2024**

**CRIMINAL APPEAL NO. 2203 OF 2024**

**IN CRL.A No. 2181/2024**

**BETWEEN:**

MANGALA ASHOK
W/O ASHOK,
AGED ABOUT 46 YEARS,
R/AT NO.398, 8TH MAIN,
ITI LAYOUT, MALLATHAHALLI,
NAGARABHAVI MAIN ROAD,
BENGALURU – 560056.

...APPELLANT

(BY SRI. VARALAKSHMI P., ADVOCATE)

**AND:**

GIRISH
S/O VENKATAPPA,
AGED ABOUT 35 YEARS,
R/AT NO.U15/26, 8TH CROSS,
MARUTHI EXTENSION,
VYALIKAVAL, MALLESHWARAM,
BANGALORE – 560 003.

...RESPONDENT

(BY SMT. ARCHANA., AMICUS CURIAE)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

THIS CRL.A FILED U/S 378(4) CR.PC (FILED U/S 419(4) OF BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO PASS JUDGEMENT IN FAVOUR OF THE APPELLANT/COMPLAINANT AND AGAINST THE RESPONDENT/ ACCUSED BY, CALL FOR THE ENTIRE RECORDS IN C.C.NO.14657/2021, DISPOSED BY HON'BLE XIII ADDL. CHIEF METROPOLITAN MEGISTRATE COURT, AT BENGALURU AND SET ASIDE THE IMPUGNED JUDGEMENT DATED 04.05.2024 PASSED IN C.C.NO.14657/2021 BY THE HON'BLE XIII ADDL. CHIEF METROPOLITAN MEGISTRATE COURT, AT BENGALURU ACQUITTING THE RESPONDENT/ACCUSED HEREIN AND FURTHER ALLOW THE APPEAL AND CONVICT THE RESPONDENT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION.138 OF THE N.I ACT AND ETC,

**IN CRL.A NO. 2187/2024**

**BETWEEN:**

MANGALA ASHOK
W/O. ASHOK,
AGED ABOUT 46 YEARS,
R/AT NO. 398, 8TH MAIN,
ITI LAYOUT, MALLATHAHALLI,
NAGARABHAVI MAIN ROAD,
BENGALURU – 560 056.

...APPELLANT

(BY SRI. VARALAKSHMI P.,ADVOCATE)

**AND:**

NAGARATHNA
D/O.NARASIMHAIAH,
AGED ABOUT 38 YEARS,
R/AT NO. U15/26, 8TH CROSS,
MARUTHI EXTENSION, VYALIKAVAL,
MALLESHWARAM,
BENGALURU – 560 003.

...RESPONDENT

(BY SRI. JAVEED S., AMICUS CURIAE)

THIS CRL.A FILED U/S 378(4) CR.PC (FILED U/S 419(4) OF BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO PASS JUDGEMENT IN FAVOUR OF THE APPELLANT/COMPLAINANT AND AGAINST THE RESPONDENT/ ACCUSED BY, CALL FOR THE ENTIRE RECORDS IN C.C.NO.14656/2021, DISPOSED BY HON'BLE XIII ADDL. CHIEF METROPOLITAN MEGISTRATE COURT, AT BENGALURU AND SET ASIDE THE IMPUGNED JUDGMENT DATED 04.05.2024 PASSED IN C.C.NO.14656/2021 BY THE HON'BLE XIII ADDL. CMM COURT AT BENGALURU ACQUITTING THE RESPONDENT/ACCUSED HEREIN AND FURTHER ALLOW THE APPEAL AND CONVICT THE RESPONDENT / ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I. ACT AND ETC.,

**IN CRL.A NO. 2203/2024**

**BETWEEN:**

MANGALA ASHOK
W/O. ASHOK,
AGED ABOUT 46 YEARS,

R/AT NO. 398, 8TH MAIN,
ITI LAYOUT, MALLATHAHALLI,
NAGARABHAVI MAIN ROAD,
BENGALURU – 560 056.

...APPELLANT

(BY SRI. VARALAKSHMI P.,ADVOCATE)

**AND:**

HARISH B N
S/O. NARASIMHAIAH,
AGED ABOUT 34 YEARS,
R/AT NO. U15/26, 8TH CROSS,
MARUTHI EXTENSION, VYALIKAVAL,
MALLESHWARAM,
BENGALURU – 560 003.

...RESPONDENT

(BY SRI. MALLAIAH M.R., AMICUS CURIAE)

THIA CRL.A FILED U/S 378(4) CR.PC (FILED U/S 419(4) BNSS) BY THE ADVOCATE FOR THE APPELLANT PRAYING TO PASS JUDGEMENT IN FAVOUR OF THE APPELLANT/COMPLAINANT AND AGAINST THE RESPONDENT/ ACCUSED BY, CALL FOR THE ENTIRE RECORDS IN C.C.NO.14656/2021, DISPOSED BY HON'BLE XIII ADDL. CHIEF METROPOLITAN MEGISTRATE COURT, AT BENGALURU AND SET ASIDE THE IMPUGNED JUDGMENT DATED 04.05.2024 PASSED IN C.C.NO.9955/2021 BY THE HON'BLE XIII A.C.M.M COURT AT BENGALURU ACQUITTING THE RESPONDENT/ACCUSED HEREIN AND FURTHER ALLOW THE APPEAL AND CONVICT THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I ACT AND ETC.,

THESE APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

**ORAL JUDGMENT**

1. This appeal is filed by the appellant/complainant being aggrieved by the judgment of acquittal passed by the Trial Court.

2. However, the Hon'ble Supreme Court in ***Celestium Financial Vs. A. Gnanasekaran Etc.***[1], held in paragraph No.10 as under:

> *"10. As already noted, the proviso to Section 372 of the CrPC was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the CrPC, irrespective of whether he is a*

[1] 2025 SCC Online SC 1320

> *complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the Cr.PC."*

3. On careful reading of the judgment of the Apex Court *supra,* it is evident that, the complainant being victim has to file an appeal against the order of acquittal before the Jurisdictional Sessions Court by invoking Section 372 of the Code of Criminal Procedure, 1973.

4. In view of the law laid down by the Hon'ble Apex Court, in ***Celestial*** supra, the appeal by the complainant against the order of acquittal is not maintainable before this Court. Since this Court has no jurisdiction to decide the appeal on merit, the appeal is transferred to jurisdictional Appellate Court/Sessions Court.

5. The parties shall appear before the jurisdictional Appellate Court/Sessions Court on ***05.05.2026***, without further notice of the concerned Court.

6. The Registry shall transmit entire appeal papers including appeal memo to the jurisdictional Sessions Court.

7. The learned counsel for the appellant shall have the liberty to carry out the amendment in the cause title and also the provisions thereof.

8. For statistical purpose, this appeal stands disposed off.

9. Ordered accordingly.

**Sd/-**
**(S RACHAIAH)**
**JUDGE**

BKM
List No.: 1 Sl No.: 55