IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.Appeal No. 320 of 2025
Decided on 16th November, 2026

Sandeep Batra **…Appellant**

Versus

Vijay Grover **…..Respondent**

Coram

Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.
[1]Whether approved for reporting?

For the appellant : **Mr. Ashok K. Tyagi, Advocate**
For the respondent : **None for respondent.**

Chirag Bhanu Singh, Judge (Oral)

The complainant has preferred the present appeal, against the acquittal passed by the learned Additional Chief Judicial Magistrate, Court-I, Poanta Sahib, District Sirmaur, H.P., whereby the complaint filed by the appellant under Section 138 of the Negotiable Instruments Act, stands dismissed.

2. The judgment passed by the Hon'ble Supreme Court in **Celestium Financial versus A. Gnanasekaran, 2025 SCC OnLine SC 1320,** while interpreting Section 419 of the

[1]Whether reporters of Local Papers may be allowed to see the judgment? Yes

Bharatiya Nagarik Suraksha Sanhita, 2023 in conjunction with the provisions of the NI Act has held that the complainant aggrieved by the dismissal of the complaint under Section 138 of the NI Act is required to file an appeal before the learned Sessions Court. While interpreting the provisions of the old corresponding Section, i.e. Section 372 of the Code of Criminal Procedure, the Hon'ble Supreme Court in ***Mallikarjuna Kodagali (Dead), represented through legal representatives versus State of Karnataka and others (2019) 2 SCC 752,*** has also enunciated the very same proposition.

3. In view of the aforesaid circumstances emerging on the record, the appeal has now been rendered otiose. As a sequel, the appeal is dismissed being not maintainable. However, the appellant shall be at liberty to approach the learned Sessions Court of competent jurisdiction, enabling him to proceed with the matter in accordance with law, if so desired.

4. It is made clear that the time spent by the appellant in pursuing the appeal, before this Court shall not stand in his way, as far as limitation to file the same is concerned. The

appeal is disposed off in the aforesaid terms. Records of the learned trial Court be sent back forthwith.

5. Pending application(s), if any, also stands disposed off.

(Chirag Bhanu Singh)
Judge

16.11.2026
(Ritu)