IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.Appeal No. 317 of 2025
Decided on 16th November, 2026

Simar 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. The husband of the present appellant had also filed an appeal for the dismissal of the complaint, which stands dismissed vide an order of even date. Since the present matter had been admitted on 15.09.2026, but seeing to the

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

circumstances, emerging on record and the dismissal of a similar appeal filed by the husband of the appellant on the same cause, the same is disposed off today itself.

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 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 her 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 her 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)