IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.Appeal No. 527 of 2025
Decided on 6th October, 2026

Raksha Devi & Ors. **…Appellants**

Versus

Raj Kumar Verma **…..Respondent**

Coram

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

For the Appellants : **Mr. Shyam Singh Chauhan, Advocate.**

For the respondent : **Mr. Gurinder Singh Parmar, Advocate.**

Chirag Bhanu Singh, Judge (Oral)

The complainant has preferred an appeal, against the acquittal passed by the learned Judicial Magistrate First Class, Shillai, District Sirmaur, H.P., whereby the complaint filed by the appellant(s) under Section 138 of the Negotiable Instruments Act, (in short 'NI Act') stands dismissed.

2. It is by now fairly well settled that keeping in view the terms of the provisions contained under Section 413 of the Bharatiya Nagarik Suraksha Sanhita 2023, (hereinafter referred

to as the BNSS) and the judgment passed by the **Hon'ble Supreme Court in Celestium Financial versus A. Gnanasekaran, 2025 SCC OnLine SC 1320,** the complainant aggrieved by the dismissal of complaint, under Section 138 of the Negotiable Instruments Act, are 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 **Mallikarjun Kodagali (Dead), represented through legal representatives versus State of Karnataka and others, (2019) 2 Supreme Court Cases 752**, had also enunciated the very same proposition. 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 the appellant-petitioner proceed with the matter in accordance with law, if so desired.

3. It is made clear that the time spent by the appellants in pursuing the appeal, before this Court shall not

stand in their 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.

4. Pending application(s), if any, also stands disposed of.

(Chirag Bhanu Singh)
Judge

06.10.2026
(Ritu)