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Crl.R.C. No. 2487 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No. 2487 of 2025

K.R. Shanmugam

..Petitioner

Vs.

S. Anandavalli

..Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to call for the records in Crl.A. No. 183 of 2023 on the file of the learned I Additional District and Sessions Judge, Tiruppur and set aside the order and judgment dated 16.07.2025 passed in Crl.A. No. 183 of 2023 in allowing the said appeal and acquitting the respondent herein for the offence under Section 138 of the Negotiable Instruments Act, convict the respondent for the said offence, award adequate compensation to the petitioner while convicting the respondent.

For Petitioner

::

Mr.B.A. Sujai Prasanna for
Mr.A. Ashok Kumar



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For Respondent :: Mr.V. Vadivalagia Nambi

O R D E R

The revision has been filed challenging the judgment of acquittal dated 16.07.2025 passed in Crl.A. No. 183 of 2023 by the learned I Additional District and Sessions Judge, Tiruppur.

2. The petitioner is the complainant in STC No. 2042 of 2020 filed against the respondent alleging commission of offence under Section 138 of Negotiable Instruments Act. The Trial Court convicted the respondent. The respondent preferred an appeal before the Sessions Court in Crl.A. No. 183 of 2023 and the Sessions Court, allowed the appeal and acquitted the respondent. The petitioner has preferred the present revision challenging the said judgment of acquittal.

3. The respondent had raised preliminary objection stating that a revision would not be maintainable and the petitioner, as a victim, would be entitled to file an appeal in terms of the proviso to Section 372 Cr.P.C.



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4. The learned counsel for the petitioner would fairly submit that the Honourable Supreme Court in the judgment rendered in ***Celestium Financial V. A. Gnanasekaran*** reported in ***2025 SCC OnLine SC 1320*** had observed that complainant in a case instituted for the offence under Section 138 of Negotiable Instruments Act is also a victim. Therefore, he is entitled to file an appeal in terms of the proviso to Section 372 Cr.P.C.

5. Heard both sides.

6. This Court is of the view that the petitioner, as a victim, has a right to file an appeal either against the original order or the appellate order of acquittal passed by any Court. The Honourable Supreme Court has reiterated this principle in ***Asian Paints Ltd V. Ram Babu (2025) 10 SCC 372***. The relevant observations read as follows:

“43. Furthermore, another aspect that needs to be considered is as to whether an appeal under the proviso to Section 372 Cr.P.C. would be restricted only to mean an appeal to the first appellate court or include even an appeal to the second appellate court/High Court, which happens to be the case herein.

44. We find that this is not a very complicated issue of law. We do not propose to complicate it! The language employed by the proviso to Section 372 Cr.P.C. is unambiguous to the effect that:



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“....the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.”

45. From the aforesaid elucidation, it is clear that the right to appeal accrues on the “victim” from the instance of a court acquitting the accused. The proviso to Section 372 Cr.P.C. is agnostic to the factum of such acquittal being by the trial court or the first appellate court. We can see the situation through another lens also. In the facts at hand, acquittal was by the first appellate court not by the trial court. Therefore, since, in the present case, for the first time, the acquittal comes in at the stage of the first appellate court (being a Sessions Court), in law, the right of appeal by the victim would be to the next higher level in the judicial hierarchy, which would be the High Court. However, for that purpose, the High Court could also have been the first appellate court, if the trial court, being a Court of Sessions, had acquitted the accused. Thus, the reasoning of the High Court that if the appellant was allowed to maintain the appeal, it would amount to an appeal as envisaged under Section 378 Cr.P.C., is factually and legally erroneous, which proposition we negate.”

7. Therefore, this Court is of the view that only an appeal is maintainable as against the impugned judgment. Since a revision has been filed under the bona fide impression that an appeal is not maintainable, the



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Registry may convert this into an appeal, number it as an appeal and list for admission.

04.02.2026

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To

1. I Addl. District and Sessions Judge,
Tiruppur.
2. The Judicial Magistrate (FTC), Tiruppur.



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SUNDER MOHAN,J.

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