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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.L.P. 385/2023**

MRS. USHA KIRAN CHUGHPetitioner

Through: Mr. Sundeep Sehgal, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ORS.Respondents

Through: Mr. Ajay Vikram Singh, APP.

Mr. Chandan Bhatia, Mr. Banke
Bihari and Mr. Adarsh Singh,
Advocate for R-2.

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Through: Mr. Ajay Vikram Singh, APP.

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Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

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23.02.2026

1. The aforesaid leave petitions under Section 378(4) of the Code of Criminal Procedure, 1973 (the Cr.P.C.) have been filed on behalf of the revision petitioner/ complainant in Crl. Rev. No.



87/2022 on the file of the Additional Sessions Judge-03, Saket Courts, New Delhi. The revision was filed by the complainant in C.C. No. 6388/2017 on the file of the Court of ACMM, District Courts, Saket, New Delhi, aggrieved by the order dated 06.04.2019 of the Metropolitan Magistrate by which the complaint filed alleging commission of offence punishable under Section 138 of the Negotiable Instrument Act, 1881 was dismissed for default.

3. As per the impugned order, the learned Additional Sessions Judge held that as the dismissal of the complaint was under Section 256(1) Cr.P.C., the remedy available to the complainant was to move this Court under Section 378(4) Cr.P.C. Holding so, the revision petition was dismissed as being not maintainable.

4. In the light of the dictum of the Hon'ble Supreme Court in **Celestium Financial v. A. Gnanasekaran, 2025 SCC OnLine SC 1320**, leave under Section 378(4) Cr.P.C. is not required. The remedy that is open to the petitioner herein is to file an appeal



before the Sessions Court concerned.

5. Hence, the appeal is sent back to the Sessions Court concerned for consideration.

6. The Registry is directed to send the entire records of the cases to the Sessions Court concerned.

7. The appellant shall appear before the Sessions Court on 18.03.2026.

CHANDRASEKHARAN SUDHA, J

FEBRUARY 23, 2026

Rs/kd