



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3368]

**FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL No: 4741/2026

Between:

- 1.V VENKATESWARA RAO, DIED
- 2.V SAROJINI DEVI, W/O V.VENKATESWARA RAO AGED ABOUT 74 YEARS, R/O 4TH FLOOR, C2,SAI VISHAL-LL, CHITRAVATHI ROAD, PUTTAPARTHI,SRI SATHYA SAI DISTRICT

...APPELLANT(S)

AND

- 1.C SATHYANARAYANA, LATE SILAKURI SOMARAJU,AGE 56 YEARS, HINDU, CHITS AND FINANCE BUSINESSSREE NEELADRI HEIGHTS, DOOR. NO.50-50-18/2,B.S. LAY OUT SEETHANRIMA DHARA, VISAKAPATNAM,PIN-530013.
- 2.THE STATE OF ANDHRA PRADESH, ,REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH,NELAPADU, AMARAVATI, GUNTUR DISTRICT.

...RESPONDENTS

Counsel for the Appellant:

TSBV RAMA REDDY

Counsel for the Respondent(S):

- 1.

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**CRIMINAL APPEAL (SR) No.4741 OF 2026****O R D E R:**

Heard Sri TSBV Rama Reddy, learned counsel for the appellants/Complainant. He would submit that the appeal grounds may be returned permitting the appellants to file appeal before concerned Sessions Court as per proviso to Sections 372 of Cr.P.C., in the light of the Judgment of Hon'ble Apex Court in the case of **M/s.Celestium Financial Vs. A.Gnanasekaran**¹.

2. This appeal is preferred challenging the judgment dated 28.01.2026 rendered in C.C.No.18 of 2022 on the file of Judicial Magistrate of First Class, Puttaparthi.

3. The learned trial Court dismissed the complaint for want of prosecution and accordingly, acquitted the accused for the offence under Section 138 of N.I.Act. Hence, the wife of complainant preferred the appeal before this Court under Sections 378(4) of Cr.P.C., as the original complainant died.

4. The Hon'ble Apex Court in the above judgment relied on by the learned counsel for the appellant held that "*if the complainant is also a victim, they can prefer appeal under the proviso to section 372 Cr.P.C., in the case of dishonoured cheque also*".

¹ 2025 Livelaw (SC) 666

5. Undisputedly, the present appeal is preferred by the complainant, who is also a victim in a complaint filed for the offence U/s.138 of N.I.Act. Therefore, the complainant can prefer the appeal before the concerned Sessions Court under the proviso to Section 372 of Cr.P.C., equivalent to Section 413 of BNSS, 2023.

6. In the light of foregoing discussion, Registry is directed to return the original bundle forthwith to the appellant, to enable her to represent the appeal within 4 (four) weeks from the date of receipt of copy of this Order, before the concerned Sessions Court in accordance with law. On such representation, concerned Sessions Court shall proceed with the appeal and delay condone petition in accordance with law.

7. Accordingly, the appeal is returned.

JUSTICE B.V.L.N. CHAKRAVARTHI

01.05.2026

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THE HONOURABLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI

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CRIMINAL APPEAL (S.R.) No.4741 OF 2026

Date: 01.05.2026

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