



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

[3368]

**TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL (SR) NO: 9916/2025

Between:

1. BOHRA RAMESH KUMAR JAIN, S/O LATE CHUNILAL JAIN,
AGED ABOUT 57 YEARS, R/O D.NO.49-18-18, LALITHA
NAGAR, NEAR GANESH TEMPLE, VISAKHAPATNAM-530016.

...APPELLANT

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC
PROSECUTOR, HIGH COURT AT AMARAVATI.

2. TADAVARTHY SRINIVAS, S/O T. ANAND, AGED 58 YEARS,
FLAT NO. 202, VASAVI ELITE APARTMENTS, NAVODAYA
COLONY, OPP. CHURCH LANE, TADEPALLI-522501,
GUNTUR DISTRICT.

...RESPONDENT(S):

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant special leave to the Appellant to file Criminal Appeal before this Hon'ble Court against the Judgment passed in C.C No.2452 of 2023, on the Court of the Special Magistrate-IV, Visakhapatnam, dated 31.12.2024 and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court

may be pleased to condone delay in representation of (24) Days in resubmission of the Criminal Appeal before this Hon'ble Court against the Judgment passed in C.C No.2452 of 2023, on the Court of the Special Magistrate-IV, Visakhapatnam, dated 31.12.2024 and pass s

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone delay of (137) Days in filing the Criminal Appeal before this Hon'ble Court against the Judgment passed in C.C No.2452 of 2023, on the Court of the Special Magistrate-IV, Visakhapatnam, dated 31.12.2024 and pass

Counsel for the Appellant:

1.KHAJA KHUTUBUDDIN SHAIK

Counsel for the Respondent(S):

1.

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**CRIMINAL APPEAL (SR) No.9916 OF 2025****O R D E R:**

Heard learned counsel representing Sri Khaja Khutubuddin Shaik, learned counsel for the petitioner/ appellant/ Complainant. He would submit that the appeal grounds may be returned permitting the appellant 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.Gnanasekaran¹**.

2. This appeal is preferred challenging the Order dated 31.12.2024 rendered in C.C.No.2452 of 2023 on the file of the learned Special Magistrate-IV, Visakhapatnam.

3. The learned trial Court dismissed the complaint for default under Section 256 Cr.P.C., as complainant absent and there was no representation on behalf of the complainant. Aggrieved by the same, the complainant preferred the appeal before this Court under Section 378(4) of Cr.P.C.

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*

¹ 2025 Livelaw (SC) 666

victim, they can prefer appeal under the proviso to section 372 Cr.P.C., in the case of dishonoured cheque also”.

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 him to represent the appeal and the delay condonation petition 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 in accordance with law along with application for delay.

7. Accordingly, the appeal is returned.

JUSTICE B.V.L.N. CHAKRAVARTHI

10.02.2026

Pmk

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

CRIMINAL APPEAL (SR) No.9916 OF 2025

Date: 10.02.2026

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