



2025:CGHC:32158



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 25 of 2025

Ganesh Soni S/o Mohanlal Soni Aged About 49 Years R/o Korar, Post And Tahsil-Korar, District-Uttar Bastar Kanker (C.G.) (Complainant)

... Appellant.

versus

Ghanshyam Thakur S/o T.R. Thakur Aged About 50 Years R/o Narsinghpur, District-Uttar Bastar, Kanker, Present R/o Village-Murdongeri, Badepara, Near Ramayan Mandli Rangmanch, Makri, Tahsil-Kanker, District-Uttar Bastar, Kanker (C.G.) (Accused)

... Respondent.

For Appellant	:	Mr. Shivendu Pandya, Advocate.
For Respondent	:	None.

SB : Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

11.07.2025

1. The appellant has filed this acquittal appeal against the judgment of acquittal dated 27.09.2024 passed by the Chief Judicial Magistrate, Kanker, District North Bastar Kanker in *Criminal Complaint Case No.967/2021*, whereby, the respondent/accused has been acquitted of the charge under Section 138 of the Negotiable Instruments Act, 1881 (for short, "**the NI Act**").
2. At the outset, learned counsel for the appellant submits that recently in the judgment dated 08.04.2025 rendered by the Hon'ble Supreme Court in the matter of **Celestium Financial vs. A. Gnanasekaran Etc., 2025 INSC 804**, right to file appeal under proviso to Section 372 Cr.P.C. was discussed and it was held that the victim shall have a right to prefer an appeal against any order



passed by the Court acquitting the accused and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court. He submits that the case may be disposed of reserving liberty so as to avail the said remedy.

3. In view of the aforesaid submission and considering the law declared in the matter of **Celestium Financial** (supra), this appeal stands disposed of reserving liberty in favour of the appellant to file an appeal within a period of 45 days from this order before the appropriate Court, in accordance with law. It is further made clear that if such an appeal is filed before the concerned Court within the time given by this Court, it would not insist upon the limitation while deciding the same and will proceed to decide the same in accordance with law.
4. Registry shall return the certified copy of the order/judgment and relevant documents to counsel for the appellant after retaining its photocopy.
5. Registry shall send back the record to the concerned Court.
6. Accordingly, the appeal is **disposed of**.

Sd/-

(Deepak Kumar Tiwari)
Judge

Ajay