



2026:CGHC:1002



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 270 of 2017

Rajaram (Died Through LR) As Per Honble Court Order Dated 25-07-2025
Swatantra Kumar S/o Late Rajaram Aged About 36 Years R/o Bus Stand, Mulmula,
Tahsil Pamgarh, Distt. Janjgir-Champa (C.G.) **... Petitioner**

versus

Sahartin Bai, D/o Late Nanki, By Caste Satnami, R/o Village Mulmula, Tahsil
Pamgarh, District Janjgir Champa Chhattisgar **... Respondent**

For Petitioner	: Smt. Bhavika Kotecha, Advocate.
For Respondent	: Shri Sahil Sahu appears on behalf of Shri Ravindra Sharma, Advocate.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Order on Board

07/01/2026

1. This petition filed under section 378 (4) of Cr.P.C. by the complainant is against the Order dated 31.12.2016 passed by the Judicial Magistrate First Class, Pamgarh, District Janjgir-Champa (C.G.) in Criminal Case No. 352 of 2014 whereby the learned Trial Court dismissed the complaint case and discharged the respondent/accused of the charge under Section 465 of the Indian Penal Code (IPC).
2. Learned counsel for the petitioner/complainant submits that the petitioner qualifies as a "victim" within the meaning of Section 2(wa) of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C."), which corresponds to Section 2(y) of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS"). It is further submitted that the Hon'ble Supreme Court, in the case of *M/s. Celestium Financial Vs. A. Gnanasekaran & Ors.*, reported in 2025



INSC 804, has held that a complainant is also to be considered a victim.

Learned counsel further submits that the Supreme Court in the aforesaid judgment granted liberty to the petitioner therein to prefer an appeal under the provisions of Section 372 of the Cr.P.C. Accordingly, it is prayed that the petitioner in the present matter may be permitted to withdraw the present petition with liberty to prefer an appeal before the competent Sessions Judge under the proviso to Section 372 of the Cr.P.C., corresponding to Section 413 of the BNSS. It is further submitted that the question of limitation may not be a bar while adjudicating the appeal on its merits.

3. On the other hand, learned counsel for the respondent does not oppose the submission made by learned counsel for the appellant.

4. Heard learned counsel for the parties and perused the documents on record.

5. Considering the submissions made herein above, this Court is inclined to permit the petitioner to withdraw this petition with the aforesaid liberty to file before the Sessions Court within a period of 60 days from today. Ordered accordingly. It is clarified that the concerned Sessions Court would not insist upon the limitation, if filed within 60 days, and will proceed to decide the same in accordance with law.

6. In that view of the matter, Registry is directed to return the certified copy of the impugned Order after obtaining the attested photocopy of the same.

7. The record of the case be sent back to the concerned Court forthwith.

8. In view of the above, the present Cr.M.P. stands disposed of

Sd/-

(Radhakishan Agrawal)

JUDGE