



2025:CGHC:39001



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 216 of 2019

Ajay Gupta S/o Late Rammanohar Kesharwani, Through Energy Internatrional Main Chowk Manendragarh, P.S. Manendragarh, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

--- Appellant.

versus

Arvind Singh S/o Shri R.M. Singh Aged About 32 Years Occupation Contractor, R/o Bakimogra Katainagar District Korba, Chhattisgarh, District : Korba, Chhattisgarh

--- Respondent.

With

ACQA No. 430 of 2019

Kamlesh Dedhiya S/o Shri Kanti Lal Dedhiya Aged About 41 Years R/o Station Road, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Appellant.

Versus

1-Smt. Mala Yadav And Another W/o Shri Vishnu Prasad Yadav Aged About 30 Years R/o Quater No. 335, Near M.M.I. Hospital, Lalpur, Police Station- Tikarapara, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Shri Vishnu Prasad Yadav S/o Shri Jaggar Ram Yadav Aged About 33 Years R/o Zila Shiksha Madhyamik Mandal, Deo Office, Pension Bada, Shailendra Nagar, Kotwali, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondents.



For Appellants	:	Mr. Krishna Tandon, Adv and Ms. Sareena Khan, Adv, respectively.
For Respondent in ACQA No.216/2019	:	None.
For Respondent in ACQA No.430/2019	:	Mr. Bhaskar Payashi, Advocate.

SB : Hon'ble Shri Justice Deepak Kumar Tiwari

Judgment on Board

06.08 .2025

1. The appellant in **ACQA No.216/2019** has filed this acquittal appeal against the judgment of acquittal dated 05.12.2018 passed by the Judicial Magistrate First Class, Manendragrah, District Koriya in Complaint Case No.357/2016, 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. The appellant in **ACQA No.430/2019** has filed this acquittal appeal against the judgment of acquittal dated 29.03.2019 passed by the Judicial Magistrate First Class, Raipur in Complaint Case No.2761/2015, whereby, the respondents/accused has been acquitted of the charge under Section 138 of the Negotiable Instruments Act, 1881 (for short, “**the NI Act**”).
3. At the outset, learned counsel for the appellants in both the acquittal appeals 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. They submit that the case may be disposed of reserving liberty so as to avail the said remedy.



2025:CGHC:39001

4. Mr. Bhaskar Payashi, Counsel for respondents in ACQA No.430/2019 would not oppose the aforesaid submission.
5. In view of the aforesaid submission and considering the law declared in the matter of **Celestium Financial** (supra), this appeals stand disposed of reserving liberty in favour of the appellants to file an appeal within a period of 45 days from the date of 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.
6. Registry shall return the certified copy of the order/judgment and relevant documents to counsel for the appellant after retaining its photocopy.
7. Registry shall send back the record to the concerned Court.
8. Accordingly, the appeals are **disposed of**.

Sd/-

(Deepak Kumar Tiwari)
Judge

Ajay