



2025:CGHC:48373



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 978 of 2025

1 - Chintaram Yadav S/o Bisesar Yadav Aged About 76 Years
R/o Bhagatsingh Ward Dongargarh, Tahsil And Police Station-
Dongargarh District- Rajnandgaon (C.G.)

... Petitioner(s)

versus

1 - Smt. Meenabai W/o Khemu Aged About 51 Years R/o
Kandrapara Dongargarh, Police Station- Dongargarh District-
Rajnandgaon (C.G.)

... Respondent(s)

For Petitioner	: Mr. Keshav Dewangan, Advocate
For Respondent	: None.

Hon'ble Shri Justice Sanjay Kumar Jaiswal
Order on Board

19/09/2025

1. This petition under Section 419(4) of the BNSS has been filed by the complainant/petitioner seeking leave to appeal. The prayer made in the acquittal appeal filed along with the petition shows that he seeks a direction to set aside the impugned judgment dated 17.01.2025 passed by the Judicial Magistrate First Class, Dongargarh, District Rajnandgaon (CG) in Complaint Case No.924/2019 by which the respondent/accused was acquitted of the charge under



Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for petitioner submits that since the complaint case filed u/s 138 of NI Act before the trial Court stood dismissed, the petition filed u/s 419(4) of BNSS can be disposed of in terms of an acquittal appeal and it is no longer necessary to seek special leave to appeal, because the complainant is considered victim and has statutory right to appeal under the proviso to Section 413 BNSS (Section 372 CrPC).
3. Having considered the submission made by learned counsel, this Court is inclined to dispose of this petition in terms of acquittal appeal.
4. At this stage, learned counsel for the petitioner submits that in view of the recent decision of the Supreme Court rendered in **M/s. Celestium Financial Vs. A. Gnanasekaran Etc.** reported in **2025 INSC 804**, wherein it has been held that *the complainant in a complaint filed under section 138 of the Act of 1881 is also a victim as defined in section 2(wa) of Cr.P.C. corresponding to Section 2(y) of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short the "BNSS") and the said complainant can also be entitled to file an appeal under proviso to Section 372 of Cr.P.C. corresponding to Section 413 of the BNSS*, the case may be disposed of reserving liberty so as to avail the said remedy of appeal.
5. In view of the aforesaid submission and considering the law declared in the matter of **Celestium Financial** (supra), this CRMP/Appeal is **disposed of** reserving liberty in favour of the petitioner to file an appeal within a period of 60 days from the date of receipt of a copy of this order before the appropriate Court, in accordance with law. It is 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 matter in accordance with law.

6. Registry shall return the certified copy of the impugned judgment/order and relevant documents to counsel for the petitioner after retaining photocopy of the same.
7. The record be sent back forthwith to the concerned Court.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai