



2025:CGHC:31427



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No.148 of 2025**

Dhurbai Loha Bada Firm Through Its Proprietor Ramesh Kumar Sahu,
S/o Shri Rama Sahu, Aged About 30 Years, R/o Ward No. 02, Lawan,
Tahsil- Balodabazar Distt.- Balodabazar-Bhatapara Chhattisgarh.
(Complainant) **... Appellant**

versus

Chhatturam Nand S/o Shri Partitram Nand R/o Village- Darra (Kasdol),
Thana And Tahsil- Kasdol, Distt.- Balodabazar-Bhatapara (C.G.)
... Respondent

For Appellant	:	Shri Sumit Shrivastava, Advocate.
For Respondent	:	Ms. Khushbu Sahu, Advocate.

Hon'ble Shri Justice Deepak Kumar Tiwari**Judgment on Board****08.07.2025**

1. This Appeal has been filed under Section 419(4) of BNSS, 2023 for grant of special leave to Appeal against the judgment of acquittal dated 27.01.2025 passed by the Judicial Magistrate First Class,



Balodabazar District Balodabazar-Bhatapara in Complaint Case

No.434/2023 whereby, the Respondent/accused has been acquitted of the charge under Section 138 of the Negotiable Instruments Act, 1881.

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 this Appeal may be disposed of reserving the liberty so as to avail the said remedy.

3. Learned Counsel for the Respondent does not oppose the above submission.

4. In view of the aforesaid submission and considering the law laid down in the matter of *Celestium Financial* (supra), this Appeal stands **disposed of** reserving the liberty in favour of the Appellant to file an Appeal before the appropriate Court within a period of 45 days from the date of passing of this judgment in accordance with law.

5. It is made clear that if such an Appeal is filed before the concerned Court within the time stipulated by this Court, the same would not insist upon the limitation while deciding the same and the said Court shall proceed to decide it in accordance with law.



6. Registry shall return the certified copy of the judgment along with all the annexures and relevant documents to Counsel for the Appellant after retaining its photocopy. Record shall also be sent back to the concerned Court.

Sd/-
(Deepak Kumar Tiwari)
JUDGE

Priya