



2025:CGHC:38998



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### ACQA No. 405 of 2019

D.K. Makhija( Deepak Kumar Makhija) S/o Late Kishan Lal Makhija Aged About 55 Years  
R/o House No. 1, Muthanagar, Gali No.7, Telibandha, Post- Ravigram, Raipur, District-  
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

... Appellant.

### versus

Harish Kumar Ishrani S/o Balchand Ishrani Aged About 50 Years R/o Infront Of Shyam  
Kirana Stores, Shyam Nagar, Raipur, Shop Apna Fancy Stores, Adarsh Chowk, Raja Talab,  
Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

... Respondent.

|                |   |                                                                      |
|----------------|---|----------------------------------------------------------------------|
| For Appellant  | : | None.                                                                |
| For Respondent | : | Ms. Swati Rani Saraf, Adv on behalf of Mr. Devrshi Thakur, Advocate. |

### **SB : Hon'ble Shri Justice Deepak Kumar Tiwari** **Judgment on Board**

**06.08.2025**

1. No representation is made on behalf of the appellant. Even on the earlier date of hearing i.e. 19.12.2013 as also on the last date of hearing i.e. 10.07.2024, no one appeared on behalf of the appellant to represent the case on behalf of the appellant.
2. The appellant has filed this acquittal appeal against the judgment of acquittal dated 31.10.2018 passed by the Judicial Magistrate First Class, Raipur in Complaint Case No.825/2013, whereby, the respondent/accused has been acquitted of the charge under Section 138 of the Negotiable Instruments Act, 1881 (for short, "**the NI Act**").
3. Learned counsel for the respondent 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. Counsel submits that at this stage the case may be disposed of reserving liberty in favour of the appellant so as to avail the said remedy.

4. 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 the date of receipt of copy 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.
5. Registry shall return the certified copy of the order/judgment and relevant documents to appellant or counsel for the appellant after retaining its photocopy, if required.
6. Registry shall send back the record to the concerned Court.
7. Registry shall send a copy of this order to the appellant through registered mode with a note that he may prefer an appeal before the concerned jurisdictional Sessions Court in view of the aforesaid observation, if so advised.
8. Accordingly, the appeal is **disposed of**.

Sd/-

**(Deepak Kumar Tiwari)**  
Judge

Ajay/Shyna