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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 200 of 2017

1 - Gopal Kedia S/o Late Kisan Kedia, Aged About 71 Years 2/531, Chaubey Colony, Police Station Saraswati Nagar, Raipur Chhattisgarh

... Appellant

versus

1 - Yogendra Kumar Agrawal S/o Suresh Kumar Agrawal, Aged About 36 Years 108, K N Complex, Nemichand Gali, Ganjpara, Police Station Ganj, Raipur Chhattisgarh

... Respondent

For Appellant	: Mr. Raja Sharma, Advocate
For Respondent	: Mr. Shalvin Sharma, Advocate appears on behalf of Mr. Devarshi Thakur, Advocate

Hon'ble Shri Justice Radhakishan Agrawal

Order on Board

16/02/2026

1. This is an acquittal appeal filed under Section 378(4) of the Cr.P.C. by the complainant/appellant against the judgment dated 07.02.2017 passed by the Judicial Magistrate First Class, Raipur (C.G.) in Criminal Complaint Case No.1080/2006 whereby the learned Trial Court acquitted the respondent/accused of the charges under Sections 451, 427/34 of IPC.
2. Learned counsel for the appellant-complainant submits that the appellant-complainant 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 appellant-complainant in the present matter may be permitted to withdraw the present appeal 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 has raised no objection to the submissions made by the learned counsel for the appellant/complainant.
4. Heard learned counsel for the parties and perused the documents on record.
5. Considering the submissions made herein above and also in the light of judgment laid down by the Supreme Court referred to above, this Court is inclined to permit the appellant-complainant to withdraw this appeal by granting liberty to prefer the appeal against the impugned judgment dated 07/02/2017 before the concerned Sessions Court within a period of 90 days from the date of receipt of copy of this order. Ordered accordingly. It is clarified that if such an appeal is filed before the concerned Sessions Court within the time prescribed by this Court, it would not insist upon the limitation while deciding the same and will proceed to decide the same in



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accordance with law.

6. In that view of the matter, Registry is directed to return the certified copy of the impugned judgment 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 Appeal stands disposed of.

Sd/-

(Radhakishan Agrawal)
Judge

Priyanka