



2026:CGHC:3358

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 295 of 2023**

1 - Krishi Upaj Mandi Samiti Kawardha, Through Secretary, Krishi Upaj Mandi Samiti Kawardha, Tahsil - Kawardha, District- Kabirdham, (C.G.)

... Appellant**versus**

1 - Nikunj Chandrawanshi S/o. Hansram Chandrawanshi, Aged About 45 Years Prop. Maa Mahamaya Gud Udyog, Village - Silhati, Tahsil - Bodla, Thana - Bodla, District- Kabirdham, (C.G.).

... Respondent

(The cause title is taken from CIS)

For Appellant	: Mr. Amrito Das, Advocate with Mr. Yashkarn Singh, Advocate.
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For Respondent	: None.
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Hon'ble Shri Justice Sanjay Kumar Jaiswal**Judgment on Board****20/01/2026**

1. This acquittal appeal U/s 378(4) CrPC (corresponding to section 419(4) of BNSS) has been filed against the judgment of acquittal dated 21.06.2023, passed by the learned Judicial Magistrate First Class, Kawardha, District Kabirdham (C.G.) in Criminal Case No. 1220/2017, whereby the respondent/accused has been acquitted for commission of the offence under Sections 19(1), 19-B, 31, 48 and 52 of Chhattisgarh Krishi Upaj Mandi Adhiniyam, in light of the decision rendered by Hon'ble Supreme Court in the matter of ***Krishi Upaj Mandi Samiti Vs. Shiv Shakti Khansari Udhyog, (2012) 9 SCC 368***, finding that the provision of Chhattisgarh Krishi Upaj Mandi Act, 1972 are not applicable

against the accused.

2. At the outset, learned counsel for the appellant submits that recently the Supreme Court has delivered a judgment in the matter of **M/s. Celestium Financial Vs. A. Gnanasekaran Etc.** reported in **2025 INSC 804** holding that the complainant/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 the Supreme Court in the said matter has reserved the liberty in favour of the petitioner therein to prefer an appeal in the light of the provisions of Section 372 Cr.P.C. corresponding to Section 413 of the BNSS. Learned counsel submits that the case may be disposed of reserving liberty so as to avail the said remedy.
3. 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 60 days from today. 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.
4. Registry shall return the certified copy of the impugned judgment/order and relevant documents to counsel for the appellant after retaining the photocopy of the same.
5. Registry shall send back the record to the concerned Court.

Sd/-
(Sanjay Kumar Jaiswal)
Judge