

**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 480 of 2018**

S.C. Agrawal (Subhaschandra Agrawal) S/o Late Shri Lalchand Agrawal Aged About 65 Years R/o Plot No. 84, Hotel Natraj Parisar, T.P. Nagar, Korba, Police Station Tahsil And District- Korba, Chhattisgarh.

... Appellant/Complainant

versus

K.R. Ajay Kumar S/o Shri T.S. Ravindran Aged About 48 Years R/o Hig 16, Sardar Vallabh Bhai Patel Nagar (Sada Colony), Jamnipali, Korba, Police Station- Darri, District- Korba, Chhattisgarh.,

... Respondent/Accused

For Appellant : Shri Shubham Dev Mallick, Advocate.
For Respondent : Ms. Ankita Goswami appears on behalf of Shri P.K.Patel, Advocate.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Judgment on Board

25/03/2026

1. This acquittal appeal filed under section 378 (4) of Cr.P.C. by the appellant/complainant is directed against the judgment dated 26.09.2018 passed by the Chief Judicial Magistrate, Korba, Dist. Korba (C.G.) in Complaint Case No.96/2017 whereby the learned Trial Court acquitted the respondent/accused of the charge under Section 138 of the Negotiable Instruments Act, 1881 (for short, the NI Act).
2. Learned counsel for the appellant/complainant submits that though the learned trial Court acquitted the respondent of the charge under



Section 138 of the NI Act, but the appellant/complainant is also a victim within the meaning of Section 2(wa) of Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.P.C.), which corresponds to Section 2(y) of Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNSS"). He further submits that the Hon'ble Supreme Court in the matter of M/s. Celestium Financial Vs. A. Gnanasekaran Etc. reported in 2025 INSC 804 held that the complainant is also considered to be a victim. Learned counsel for the appellant further submits that the Supreme Court in the aforesaid case has granted liberty in favour of the petitioner therein to prefer an appeal in the light of 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 this appeal with liberty to prefer an appeal before the competent Sessions Judge under proviso to Section 372 Cr.P.C. corresponding to Section 413 of BNSS and further submits that the question of limitation may not be a bar while adjudicating the appeal on its own 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.
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 referred herein above, this Court is inclined to permit the appellant to withdraw this appeal by granting him liberty to prefer the appeal against the impugned judgment dated 26.09.2018 before the concerned Sessions Judge within a period of 60 days from the date of



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receipt of copy of this order. Ordered accordingly. It is clarified that if such appeal is filed before the concerned Session Judge 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 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