



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No.466 of 2006**

M/s The Standard Chemical  
Company Pvt Ltd  
A Company registered under the  
provisions of Companies Act, 1956,  
having registered office at 113/B  
Swarup Nagar, Kanpur, UP  
Branch Office at:218,  
Maker Chamber V, Nariman Point,  
Mumbai-21  
& having also its factory at  
Bombay Poona Road, Kalwa, Thane  
through Mr Prasad Bare

... Appellant.

Vs.

1. Mr SS Trivedi  
Proprietor of M/s SS Enterprises  
Pushpam Warehouse, Opp.  
Kanchan Compound,  
Anjur Phata, Anjur Road, Bhiwandi  
Dist. Thane, and  
residing at: Room No.102, Abich  
Apt, S. Naidu Road, Mulund  
Mumbai-400 080.

2. State of Maharashtra

... Respondents.

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None for the appellant.

Ms Sangeeta E Phad, APP for the respondent / State.

**Coram : R.N.Laddha, J.**

**Date : 2 April 2026.**

**P.C. :**

By way of present appeal, the appellant (original complainant) seeks to challenge the acquittal of respondent No.1 herein for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, as recorded by the learned Judicial Magistrate, First Class, Thane, vide judgment and order dated 16 February 2006, in SCC No.1537 of 2004.

2. The learned Additional Public Prosecutor representing respondent No.2/State has placed reliance on the judgment of the Hon'ble Supreme Court in *Celestium Financial v. A. Gnanasekaran*, 2025 SCC OnLine SC 1320, to submit that by virtue of proviso to Section 372 of the Code of Criminal Procedure, 1973, the appellant has a statutory right to challenge an acquittal. On this basis, it is asserted that the present appeal may be transferred to the appropriate forum, namely, the Sessions Court to ensure that the appellant can effectively exercise this right and is not deprived of a proper adjudicatory forum. Reliance is also placed on the decisions in *Pankaj Mehta vs Vishal Hundar*, 2026 SCC OnLine MP 800; *Sunil Kumar vs Daljit Kaur*, 2025:PHHC:092344; and *Raj Kumar vs Rajender*,



*2025:PHHC:079740* to submit that there is no impediment for transferring the appeal to the concerned Sessions Court.

3. Considering the submissions and the decisions cited above, it is clear that a victim, including the complainant in the proceedings u/s 138 of the NI Act, is entitled to invoke the proviso to Section 372 of CrPC, to assail an order of acquittal before the Sessions Court. In view of this position, it is appropriate that the present appeal be transferred to the competent Sessions Court so that the appellant can pursue the statutory remedy without being denied an appropriate forum.

4. Accordignly, the learned Registrar (Judicial) is directed to ensure prompt transmission of the entire record to the concerned Sessions Court. Upon receipt, the Sessions Court shall register the appeal and proceed to decide the same on its own merits and in accordance with the law. Given the prolonged pendency of the matter, the learned Sessions Judge is requested to dispose of the appeal at the earliest.

5. The appeal stands disposed of in the above terms.

**[R. N. Laddha, J.]**