



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

**Criminal Appeal No.972 of 2008**

Chandrakant Shivji Thakkar  
Age: 56 yrs, R/at A-303, Shree  
Gaurav CHS 90 feet road,  
KVB Phadke Marg, Mulund (E)  
Mumbai-81.

... Appellant.

Vs.

1. Narsimha Rao alias Bappanand  
Narsimhan  
Proprietor of M/s Annappi  
Construction Co., Shri Gawde road,  
Opp Pragati Hospital, Mulund(W)  
Mumbai-80

2. M/s Annappi Construction Co.  
Shri Krishna Niwas  
Ganesh Gawade road,  
Opp Pragati Hospital, Mulund(W)  
Mumbai-80.

3. The State of Maharashtra

... Respondents.

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None for the appellant.

Ms GP Mulekar, APP for the respondent / State.

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

**Date : 1 April 2026.**

**P.C. :**

The present criminal appeal arises from the judgment



and order dated 10 April 2008, passed by the Metropolitan Magistrate, 33<sup>rd</sup> Court, Ballard Pier, Mumbai, in CC Nos.5960/SS/04, 177/SS/05, 709/SS/05, 6601/SS/05, 6820/SS/05, 6821/SS/05, 6822/SS/05, whereby respondents No.1 and 2 herein were acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. The learned Additional Public Prosecutor representing respondent No.3/State has placed reliance on judgment of the Hon'ble Supreme Court in *Celestium Financial v. A. Gnanasekaran*, 2025 SCC OnLine SC 1320, to submit that a victim of an offence, including a complainant under Section 138 of the Negotiable Instruments Act, is vested with a statutory right to prefer an appeal against an order of acquittal under the proviso to Section 372 of the Code of Criminal Procedure, 1973. The learned APP further submits that in order to safeguard the appellant's right to avail of the proper forum for such statutory remedy, transfer of the present appeal is warranted. Reliance is also placed on the decisions in *Kotak Mahindra Finance Ltd Vs Nobiletto Finlease and Investments*, Criminal Appeal No.645 of 2006 dated 31 October 2025, Delhi High Court; *Pooja Trading Compnay v/s Harishchandra Manjrekar*, Criminal Appeal



*No.1016 of 2006 daed 13 October 2025, Bombay High Court; Shivputra Arwat vs Sangappa Bhasgikar, Criminal Appeal No.1051 of 2008 dated 8 October 2025, Bombay High Court; Salimshah Haji Shakrushan vs Syd Javdali Syd Anwarali, Criminal Appeal No.167 of 2006 dated 15 October 2025, Bombay High Court at Aurangabad; 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 contend that no legal impediment exists in directing transfer of the appeal to the Court of Sessions, which is the competent forum.

3. Having considered the submissions advanced, this Court is deems it appropriate to transfer the present appeal to the Sessions Court having jurisdiction.

4. Accordingly, the Registrar (Judicial) is directed to forthwith transmit the entire record and proceedings of the appeal to the concerned Sessions Court. Upon receipt, the learned Sessions Court shall register the appeal and proceed to adjudicate the same on its own merits and in accordance with law. In view of the protracted pendency of the matter, the learned Sessions Judge is requested to make earnest



endeavour to dispose of the appeal expeditiously.

5. The appeal is accordingly disposed of in the aforesaid terms.

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