



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 347 OF 2025 (A)

BETWEEN:

SRI. K. M. UDAY
S/O. MADAIHAH,
AGED ABOUT 46 YEARS,
R/AT NO.4/204,
VISHAL PALACE,
1ST CROSS,
MALLESHWARAM,
BENGALURU - 560 003.

...APPELLANT



(BY SRI. SHERVIL ADAPPA., ADVOCATE)

AND:

SMT. SURABHI RAGHU
W/O. RAGHU,
AGED ABOUT 49 YEARS,
R/AT NO.2,



HOYSALA DREAMS,
OPPOSITE TO:
M.S. RAMAIAH HOSPITAL,
SEENAPPA LAYOUT,
40 FEET ROAD,
NEW BEL ROAD,
BENGALURU - 560 094.

...RESPONDENT

THIS CRL.A FILED U/S 378(4) OF CR.P.C BY THE
ADVOCATE FOR THE APPELLANT/S PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE
JUDGEMENT AND ORDER DATED 05.11.2024 IN
CC.NO.28151/2022 PASSED BY THE XIII ADDITIONAL CHIEF
JUDICIAL MAGISTRATE, BENGALURU CITY AND CONVICT THE
ACCUSED AND ETC.,

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. This appeal is filed by the appellant/complainant being aggrieved by the judgment of acquittal passed by the Trial Court.

2. However, the Hon'ble Supreme Court in ***Celestium Financial Vs. A. Gnanasekaran Etc.***¹, held in paragraph No.10 as under:

"10. As already noted, the proviso to Section 372 of the CrPC was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the Cr.PC."

¹ 2025 SCC Online SC 1320



3. On careful reading of the judgment of the Hon'ble Apex Court *supra*, it is evident that the complainant, being the victim, has to file an appeal against the order of acquittal before the Jurisdictional Sessions Court by invoking Section 372 of the Code of Criminal Procedure, 1973.

4. In view of the law laid down by the Hon'ble Apex Court, in ***Celestium Financial*** case *supra*, the appeal by the complainant against the order of acquittal is not maintainable before this Court. Since this Court has no jurisdiction to decide the appeal on merit, the appeal is transferred to the jurisdictional Appellate Court/Sessions Court.

5. The parties shall appear before the jurisdictional Appellate Court / Sessions Court on **02.07.2026**, without further notice of the concerned Court.

6. The Registry shall transmit the entire appeal papers, including the appeal memo, to the jurisdictional Sessions Court.



7. The learned counsel for the appellant shall have the liberty to carry out the amendment in the cause title and also the provisions thereof.

8. For statistical purposes, this appeal stands *disposed of*. Ordered accordingly.

In view of the disposal of the appeal, pending I.A., if any, does not survive for consideration and the same is also disposed of.

**Sd/-
(S RACHAIAH)
JUDGE**

NR
List No.: 1 Sl No.: 13