

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2025
(Arising out of SLP(CrL.) No.948/2025)

FANESHWAR YADAV

APPELLANT(S)

VERSUS

RAJESH JOTWANI

RESPONDENT(S)

ORDER

1. Leave granted.
2. Heard learned counsel for the appellant.
3. None appears for the respondent despite service of notice.
4. The challenge in this appeal is to the order passed by the High Court dated 16.08.2024 dismissing the appellant's application filed under Section 378(4) of the Code of Criminal Procedure, 1973¹, for grant of special leave to appeal against the judgment of acquittal dated 29.06.2022 passed by the Judicial Magistrate First Class, Bilaspur in Criminal Case No. 607 of 2019.
5. The appellant preferred private complaint against the respondent for dishonor of cheque amounting to Rs. 3,30,000/- (Rupees Three Lakh Thirty Thousand Only). At the end of trial, appellant's complaint was dismissed and the

1 hereinafter referred to as 'CrPC'.

respondent was acquitted in Criminal Case No. 607 of 2019. However, the appellant's counsel did not inform him about the outcome of the complaint case for which he could not prefer an application for leave to appeal before the High Court within the period of limitation. As soon as he got the information, he obtained certified copy and preferred an application/petition under Section 378(4) CrPC before the High Court which was barred by 543 days. The High Court has refused to condone the delay and consequently, dismissed the appellant's application/petition.

6. Having perused the material on record, we are of the considered view that the High Court should have taken a lenient view in the matter as it is the specific case of the appellant that he was not aware of the outcome of his complaint case as the counsel did not inform him about the dismissal of the same.

7. Accordingly, we set aside the impugned judgment and order of the High Court, and condone the delay of 543 days in preferring the petition seeking leave to appeal before the High Court and restore the matter on the file of the High Court for its consideration on merits.

8. The appeal stands allowed in the above terms.

9. Pending application(s), if any, shall stand disposed of.

.....J.
[PRASHANT KUMAR MISHRA]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
DECEMBER 17, 2025.

ITEM NO.30

COURT NO.17

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 948/2025

[Arising out of impugned final judgment and order dated 16-08-2024 in CRMP No. 728/2024 passed by the High Court of Chhatisgarh at Bilaspur]

FANESHWAR YADAV

Appellant(s)

VERSUS

RAJESH JOTWANI

Respondent(s)

(IA No. 10782/2025 - EXEMPTION FROM FILING O.T.
IA No. 10783/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 17-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. Ankit Borkar, Adv.
Mr. Jugul Kishor Gupta, AOR
Ms. Babila K. K., Adv.
Mr. Vasim Akhter, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The Criminal Appeal is allowed in terms of the signed order which is placed on the file.
2. Pending application(s), if any, shall stand disposed of.

(LOKESH ARORA)
SENIOR PERSONAL ASSISTANT

(CHETNA BALOONI)
COURT MASTER (NSH)