



2025:CGHC:39924

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 770 of 2019

Ashok Kumar Sharma S/o Manohar Lal Sharma, Aged About 55 Years, Occupation - T.V. Repairing, Work Shop, R/o Shanichari Bazar, Durg, Tahsil And District Durg, Chhattisgarh

... Petitioner(s)

versus

Santosh Sahu S/o Ramgopal Sahu, Aged About 55 Years, R/o Ganjpara, Near Gopal Hotel Tahsil, Police Station & District- Durg, Chhattisgarh, At Present Resident Behind Maa Katyani Devi Temple, Near Balla Milk Dairy, Zone No. 3, Street No. 8, New Adarsh Nagar, Durg, Chhattisgarh

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Appellant(s)	:	Mr. Rishi Sahu, Advocate
For Respondent(s)	:	Mr. V. Jaykumar, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

8/8/2025

1. Heard.

2. This Acquittal Appeal has been preferred against the judgment of acquittal dated 2.9.2019 passed by the Judicial Magistrate First Class, Durg (CG) in Case No.RCC/32283/2011, whereby, the respondent/accused has been acquitted of the charge under Section 138 of the Negotiable Instruments Act, 1881.
3. At the outset, learned counsel for the appellant submits that recently in the judgment dated 08.04.2025 rendered by the Hon'ble Supreme Court in the matter of **Celestium Financial vs. A. Gnanasekaran Etc., 2025 INSC 804**, right to file appeal under proviso to Section 372 Cr.P.C. was discussed and it was held that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court. He submits that the Appeal may be disposed of reserving liberty so as to avail the said remedy.
4. Counsel for the other side would not oppose the aforesaid prayer.
5. In view of the aforesaid submission and considering the law declared in the matter of **Celestium Financial** (supra), this Appeal stands disposed of reserving liberty in favour of the appellant to file an appeal within a period of 45 days from this order before the appropriate Court, in accordance with law. It is further made clear that if such an appeal is filed before the concerned Court within the time given 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. Registry shall return the certified copy of the judgment and relevant documents to counsel for the appellant after retaining the photocopy of the same.
7. Registry shall send back the record to the concerned Court.
8. Accordingly, the Appeal is **disposed of**.

Sd/-

(Deepak Kumar Tiwari)
Judge

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