IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.
Cr. Appeal No.186 of 2024
Decided on: 24.08.2026

Gautam Thakur ……. Appellant

Versus

M/s Suraj Construction and Anr ……Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the appellant : Mr. Maan Singh, Advocate.

For the respondents : Mr. Dibender Ghosh, Advocate.

Sandeep Sharma, Judge (oral):

Though, in terms of order dated 03.04.2025, respondents have furnished bail bonds but learned counsel for the parties are in agreement that in terms of provision contained under Section 413 of Bharatiya Nagarik Suraksha Sanhita, 2023 and judgments passed by Hon'ble Apex Court in **Celestium Financial v. A. Gnanasekaran, 2025 SCC OnLine SC 1320 and Mallikarjun Kodagali (Dead) represented through Legal Representatives Vs. State of Karnataka and Others, (2019) 2 SCC 752**, a complainant

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[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

High Court of H.P.

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being aggrieved by dismissal of his/her complaint under Section 138 of Negotiable Instruments Act is required to file an appeal before learned District & Sessions Judge .

2. In view of the above, Registry is directed to transfer the case at hand to the Court of learned District & Sessions Judge, Kullu, District Kullu, Himachal Pradesh, forthwith enabling afore Court to proceed with the matter in accordance with law. However, while doing the needful in terms of directions contained in the instant order, Registry may retain photocopy of the petition along with the documents annexed thereto for the record.

3. Learned counsel for the parties undertake to cause appearance of their respective clients before the learned District & Sessions Judge, Kullu, District Kullu, Himachal Pradesh, on 16.09.2026, enabling it to proceed with the matter in accordance with law. Record of the Court below be sent back forthwith.

(Sandeep Sharma)
Judge

August 24, 2026
(meera)

High Court of H.P.

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