IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No. 242 of 2022
Date of Decision: 02.11.2026

Jeevan Singh ...Appellant

Versus

Ram Singh ...Respondent

Coram
Hon'ble Mr Justice Chirag Bhanu Singh, Judge.
Whether approved for reporting?[1]

For the Appellant : Mr. Janak Raj, Advocate.

For the Respondent : M/s. Mohar Singh & Sanjeev Singh Pathak, Advocates.

Chirag Bhanu Singh, Judge (Oral)

The complainant has preferred the appeal, against the acquittal passed by the learned Additional Chief Judicial Magistrate, Nurpur, District Kangra, H.P., whereby the complaint filed by the appellant under Section 138 of the Negotiable Instruments Act (in short "NI Act"), stands dismissed.

2. It is now by fairly well settled that keeping in view the terms of the provisions contained under Section 413 of the

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

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Bharatiya Nagarik Suraksha Sanhita 2023, (hereinafter referred to as the BNSS) and the judgment passed by the Hon'ble Supreme Court in ***Celestium Financial versus A. Gnanasekaran, 2025 SCC OnLine SC 1320***, the complainant aggrieved by the dismissal of complaint, under Section 138 of the Negotiable Instruments Act, is required to file an appeal before the learned Sessions Court. While interpreting the provisions of the old corresponding Section i.e. 372 of the Code of Criminal Procedure, the Hon'ble Supreme Court in ***Mallikarjun Kodagali (Dead),*** **represented through legal representatives versus State of *Karnataka and others, (2019) 2 Supreme Court Cases 752***, had also enunciated the very same proposition.

3. In view of the aforesaid circumstances emerging on the record, the appeal had now been rendered otiose. As a sequel, the present appeal is dismissed being not maintainable. However, the appellant shall be at liberty to approach the learned Sessions Court of competent jurisdiction, enabling him to proceed with the matter in accordance with law, if so desired.

4. It is made clear that the time spent by the appellant in pursuing the appeal, before this Court shall not stand in his

High Court of H.P.

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way, as far as limitation to file the same is concerned. The present appeal is disposed off in the aforesaid terms.

5. Records of the learned trial Court be sent back forthwith.

6. Pending miscellaneous application(s), if any, also stand disposed off accordingly.

(Chirag Bhanu Singh)
Judge

02nd November, 2026
(Shamsh Tabrez)

High Court of H.P.

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