IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Appeal (A-SB) No.77 of 2026
Date of Decision: 25.08.2026

Hari Chand Sharma **.....Appellant**

Versus

M/s Advait Enterprises **.....Respondent**

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

For the Appellant: Mr. Sahil Malhotra, Advocate.

For the Respondent: Nemo.

Sandeep Sharma, J. *(Oral)*

Learned counsel for the appellant is 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 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.

High Court of H.P.

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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 appellant undertakes to cause appearance of his client before the learned District & Sessions Judge, Kullu, District Kullu, Himachal Pradesh, on 03.09.2026, enabling it to proceed with the matter in accordance with law. Record of the Court below be sent back forthwith.

August 25, 2026 **(Sandeep Sharma),**
(sunil) **Judge**

High Court of H.P.

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