



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 271 OF 2022 (A)

BETWEEN:

P.P.AARADHYA MATH
S/O PARVATHIAH,
AGED ABOUT 67 YEARS
RTD GRASLINE DIVISION
EMPLOYEE
R/O BEHIND HOTELMANOHAR
COFFEE, HALADAKERI, HARIHARA
DAVANAGERE.

...APPELLANT

(BY SRI. N JAGADISH BALIGA ., ADVOCATE)

AND:

SMT.PUSHPA
W/O LATE HUCHAPPA,
AGED ABOUT 40 YEARS,





OCC: BRICKS MANUFACTURER,
R/O: NEAR CHOWDAMMA TEMPLE,
GUTTUR, HARIHARA
DAVANAGERE.

...RESPONDENT

(BY SMT. SHRUTHI S.P., ADVOCATE)

THIS CRL.A. FILED U/S.378(4) CR.P.C FILED BY THE
ADVOCATE FOR THE APPELLANT PRAYING THAT THIS
HONORABLE COURT MAY BE PLEASED TO SET ASIDE THE
JUDGMENT AND ORDER DATED 22.12.2021 PASSED BY
THE LEARNED COURT OF THE I ADDITIONAL CIVIL JUDGE
AND JMFC AT HARIHARA, AND BE PLEASED TO PASS A
JUDGMENT AND ORDER OF CONVICTION AGAINST THE
RESPONDENT FOR THE OFFENCE P/U/S.138 R/W SEC.142
OF NI ACT AND ETC.,

THIS APPEAL, COMING ON FOR FURTHER HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. This appeal is filed by the appellant/complainant being aggrieved by the judgment of acquittal passed by the Trial Court.

2. However, the Hon'ble Supreme Court in ***Celestium Financial Vs. A. Gnanasekaran Etc.***¹, held in paragraph No.10 as under:

"10. As already noted, the proviso to Section 372 of the CrPC was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the Cr.PC."

¹ 2025 SCC Online SC 1320



3. On careful reading of the judgment of the Apex Court *supra*, it is evident that, the complainant being victim has to file an appeal against the order of acquittal before the Jurisdictional Sessions Court by invoking Section 372 of the Code of Criminal Procedure, 1973.

4. In view of the law laid down by the Hon'ble Apex Court, in ***Celestial*** *supra*, the appeal by the complainant against the order of acquittal is not maintainable before this Court. Since this Court has no jurisdiction to decide the appeal on merit, the appeal is transferred to jurisdictional Appellate Court/Sessions Court.

5. The parties shall appear before the jurisdictional Appellate Court / Sessions Court on **30.06.2026**, without further notice of the concerned Court.

6. The Registry shall transmit entire appeal papers including appeal memo to the jurisdictional Sessions Court.

7. The learned counsel for the appellant shall have the liberty to carry out the amendment in the cause title and also the provisions thereof.



8. For statistical purpose, this appeal stands disposed off.
9. Ordered accordingly.

**Sd/-
(S RACHAIAH)
JUDGE**

NM
List No.: 1 Sl No.: 37