GAHC010078342026

2026:GAU-AS:15633

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.A./328/2026

HITESH BARUAH
SON OF LATE DEBENDRA NARAYAN BARUAH, RESIDENT OF VILL BASHBARI, PS AND DIST, BONGAIGAON, ASSAM, PIN-783392.

VERSUS

RANJIT KUMAR DAS
SON OF TILOK CH. DAS, RO. VILL. RAGHUNANDANPUR, PO- BOITAMARI, PS. ABHAYAPURI, DIST. BONGAIGAON, ASSAM, PIN 783389
PRESENT ADDRESS-
DEURIPARA (NEAR SCIENCE COLLEGE/MAGISTRATE COLONY), P/.O AND DIST. BONGAIGAON, ASSAM, PIN-783380.

Advocate for the Petitioner : MS R SAHA, MS R SAHA,MR. B J MUKHERJEE

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 14.10.2026

Heard Mr. B. J. Mukherjee, the learned counsel appearing for the appellant.

2. This is a criminal appeal filed under Section 419 of the BNSS, 2023, by

which the appellant has challenged the Judgment and order dated 18.02.2026, passed in C.R. Case No. 195/2023, by which the respondent was acquitted from the charges under Section 138 of Negotiable Instruments Act, 1881. It is noticed that the judgment and order sought to be challenged was passed by the Additional Chief Judicial Magistrate in complaint case as stated above. It is held by the Hon'ble Supreme Court ***in " Celestium Financial Vs. Agnanasckaran"*** reported in ***(2025) SCC OnLine SC 1320,*** that, the complainant being the victim as defined under Section 2(WA) of CrPC can approach under Section 372 of the CrPC by filing an appeal before the concerned Court, to which the appeal lies in ordinary course. In the instant case, it is seen that the appellant is the victim and he will come within the definition given in 2(WA) of the CrPC and can approach the appellate Court under Section 372 of the CrPC. However, it is seen that the appellant has approach the High Court against the order of the Addl. CJM, passed in the complaint case. As such, applying the analogy held by the Hon'ble Supreme Court in the aforesaid case, this Court directs the appellant to approach under Section 372, CrPC, which is now 413 of the BNSS for availing the remedy.

3. It is further directed that any delay being caused because of filing the application before the High Court be condoned by the said Court upon an application filed if any.

4. The Criminal Appeal is disposed of.

JUDGE

Comparing Assistant