GAHC010203632019

2026:GAU-AS:15635

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

Case No. : Crl.A./341/2026

SRI ASHOK JHA
S/O- LATE NARAYAN JHA
R/O- RAJABARI
P.O- RAJABARI
P.S- JORHAT
DIST- JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP, ASSAM

2:RITESH CHOURASIA
S/O- OM PRAKASH CHOURASIA
R/O- RAI BAHADUR LANE
P.O- JORHAT 9BHOGDOIMUKH S.O)
P.S- JORHAT
DIST- JORHAT
ASSAM
PIN- 78500

Advocate for the Petitioner : MR. P P DUTTA, MR T GOGOI,MR. A BORUA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 14.10.2026

Heard Ms. P. P. Das, the learned counsel appearing on behalf of Mr. P. P. Dutta, the learned counsel for the appellant and Ms. S. H. Borah, the learned Addl. Public Prosecutor for the State.

2. By this application the petitioner has challenged the Judgment and order of acquittal dated 24.06.2019, passed by the Chief Judicial Magistrate, Jorhat in C.R. (N.I) Case No. 19/2017, under Section 138 of the Negotiable Instrument Act, 1881.

3. It is seen that the judgment and order which is sought to be challenged in the present appeal was passed by the Chief Judicial Magistrate, Jorhat, in the complaint case as stated above. In "***Celestium Financial Vs. Agnanasckaran"*** reported in ***(2025) SCC OnLine SC 1320***, the Hon'bel Apex Court had held that the informant or the victim comes within the definition of 2(wa) of the CrPC and as such, they have a right to file an appeal provided under the proviso to Section 372 of the CrPC. As such, the Court held that against an order of acquittal passed by the Trial court, the appeal lies before the Court to which the normal appeal lies against conviction. As such, applying the aforesaid analogy passed by the Hon'ble Apex Court, this Court directs that the appellant has the liberty to file an appeal before the Sessions Court challenging the judgment and order of the Chief Judicial Magistrate passed in this case.

4. It is also stated that whatever, delay is caused by approaching this court

by the appellant will be condoned by the Appellate Court as per law.

5. The Criminal Appeal stands disposed of.

JUDGE

Comparing Assistant