

ITEM NO.42

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (Crl.) Nos. 6570-6571/2025

[Arising out of impugned final judgment and order dated 08-11-2024 in CRLA No. 985/2024 and 08-11-2024 in CRLA No. 986/2024 passed by the High Court for the State of Telangana at Hyderabad]

M/S RADHIKA TRADERS & ORS.

Petitioner(s)

VERSUS

M/S ASHTALAXMI TRADING COMPANY & ANR.

Respondent(s)

Date : 15-09-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
 HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Zulfiker Ali P. S, AOR
 Mr. Faisal M. Aboobacker, Adv.
 Mr. Manish Sindwani, Adv.
 Mr. Augustine Peter, Adv.
 Ms. Lebina Baby, Adv.

For Respondent(s) Mr. Amol B. Karande, AOR
 Ms. Devina Sehgal, AOR
 Mr. Srikanth Varma Mudunuru, Adv.
 Mr. Yatharth Kansal, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

1. Heard learned counsel for the parties.
2. The Complaint under Section 138 of the Negotiable Instruments Act, 1881¹ was initiated against the petitioner(s). It resulted in their acquittal vide order dated 23.08.2024. An appeal was preferred by the respondent-complainant and the

1 Hereinafter referred to as 'the Act'.

matter has been remanded to the Trial Court for consideration afresh on merits.

3. Aggrieved by the aforesaid order, the petitioners have preferred the present petitions contending that they were not given notice before passing the order of remand; secondly, the appeal itself was not maintainable as no leave of the Court was taken in filing the same. Lastly, the appeal was time barred and the delay was not condoned.

4. The first submission made by counsel for the petitioners is of no avail as the learned counsel for the petitioners in their application seeking condonation of delay in filing the special leave petitions have categorically stated that on the relevant date, they were out of station and that they contacted their counsel after the return which means that the petitioners had the knowledge of the proceedings and that they had engaged a counsel. Therefore, it does not lie in the mouth of the petitioners to submit that the order of remand was passed without notice to them.

5. In connection with the second submission, learned counsel for the respondents has relied upon a decision of this Court in *Celestium Financial Vs. A. Gnanasekaran Etc.*: 2025 SCC OnLine SC 1320. This Court in Paragraph '7.7' of the aforesaid decision

while dealing with the case under Section 138 of the Act held that the complainant ought to be extended the benefit of the proviso to Section 372, thereby enabling him to file appeal against an order of acquittal in his own right without having to seek special leave under Section 378(4) of the CrPC. It means that the complainant in a case under Section 138 of the Act is entitled to maintain an appeal against acquittal even without seeking the leave of the Court.

6. Now coming to the last argument of the counsel for the petitioners that the appeal preferred by the respondents was barred by limitation, it may be noted that the judgment of the Trial Court was delivered on 23.08.2024 and the appeal was filed on 29.10.2024 and the same was within time.

7. In view of the above, all the three contentions raised by the petitioners fails and the special leave petitions are dismissed.

8. The Trial Court is directed to decide the matter pursuant to the remand in accordance with law most expeditiously.

9. Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)