IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST ACQUITTAL) NO. 1431 of 2023

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BHARAT SANCHAR NIGAM LTD. THRO GENERAL MANAGER
SANJAYKUMAR BHIKHALAL SHETH
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MS PJ DAVAWALA(240) for the Appellant(s) No. 1
BAILABLE WARRANT NOT RECEIVED BACK for the Opponent(s)/Respondent(s) No. 2
MS. C.M. SHAH, APP for the Opponent(s)/Respondent(s) No. 1
RULE NOT RECD BACK for the Opponent(s)/Respondent(s) No. 2

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 03/11/2026
ORAL ORDER

1. This appeal has been filed by the appellant – original complainant filed under Section 378(4) of Cr.P.C. (hereinafter referred to as 'Cr.P.C.' for short) against the judgment and order passed by the learned 2nd Additional Judicial Magistrate First Class, Himmatnagar (hereinafter referred to as 'the learned Trial Court) in Criminal Case No. 4188 of 2018 on 16.02.2023, whereby the learned Trial Court has acquitted the respondent No.2 – original accused for the offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the `NI Act' for short).

2. Heard learned advocate Ms. P.J. Davawala for the appellant and learned APP Ms. C.M. Shah for the respondent

No.1 - State.

3. Learned advocate for the appellant has submitted that as it is an acquittal appeal, the victim has a specific right under the proviso of Section 372 of the Code of Criminal Procedure, 1973 / Section 413 of the Bhartiya Nagrik Suraksha Sanhita, 2023, and the matter may be transferred to the concerned Sessions Court, in light of the judgment in the case of **M/s Celestium Financial V/s A.Gyanasekaran etc.** reported in **2025 INSC 804**.

4. In view of the above, at the request of learned advocate for the appellant, the Registry is directed to transfer the appeal along with the entire record of the case including the certified copies of the impugned order and record & proceedings, if lying with this Court, to the concerned Sessions Court, forthwith.

5. As the appeal is of the year 2018, a request may be made to the learned Sessions Court for expeditious disposal of the appeal. It is clarified that this Court has not gone into the merits of the matter.

(S. V. PINTO,J)

ROHAN SONI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ROHAN SONI(HC02356), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 03/11/2026 16:58:31