

**(2026) 03 KAR CK 0074**

**In the Karnataka High Court, Principal Bench**

**Case No :** Criminal Appeal No. 1539, 1358, 1369, 1405, 1423 Of 2023 (A)

C.B. Raju

APPELLANT

Vs

M. Pushpa & Ors

RESPONDENT

**Date of Decision :** 04-03-2026

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 372

**Citation :** (2026) 03 KAR CK 0074

**Hon'ble Judges :** S Rachaiah, J

**Bench :** Single Bench

**Advocate :** Deepak B R, Bipin Hegde

**Final Decision :** Disposed Of

## Judgement

S Rachaiah, J

1. These appeals are 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. 2025 SCC ONLINE SC 1320, 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."

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 appeals on merit, the appeals are transferred to jurisdictional Appellate Court/Sessions Court.

5. The parties shall appear before the jurisdictional Appellate Court / Sessions Court on 13.03.2026, without further notice of the concerned Court.

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

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

8. For statistical purpose, the appeals stands disposed off.

9. Ordered accordingly.