

(i) Criminal Procedure Code, 1973 (II of 1974), Sections 378, 397 and 401 — Second appeal against acquittal at the instance of same party — Not maintainable — Revisional jurisdiction sole remedy — Scheme of the Cr.P.C. does not contemplate the maintainability of an appeal to the High Court at the instance of the same party once the appellate jurisdiction against an order of acquittal has already been exercised — Only permissible course of action available to the complainant was to invoke the revisional jurisdiction of the High Court under Section 397 read with Section 401 Cr.P.C. **[Para 8]**

(ii) Criminal Procedure Code, 1973 (II of 1974), Sections 397 and 401 — Revisional jurisdiction against acquittal — Scope — In exercise of revisional jurisdiction against a judgment of acquittal, the High Court is precluded from converting a finding of acquittal into one of conviction — Scope of interference is limited, and at best, the High Court may direct a *de novo* trial if the judgment of the trial Court is found to suffer from manifest illegality or perversity. **[Para 9]**

(iii) Negotiable Instruments Act, 1881 (26 of 1881), Section 138 — Acquittal affirmed by Sessions Judge — Unjust exercise of appellate jurisdiction by High Court — Trial Court acquitted the accused; appeal by the complainant dismissed by the Sessions Judge; complainant thereafter approached the High Court styling the petition as an “appeal” without challenging the order of the Sessions Judge — High Court despite recording the fact of earlier dismissal nonetheless proceeded to entertain and decide the matter, overlooking the finality attached to the earlier adjudication — Held, clearly a case of unjust exercise of appellate jurisdiction by the High Court in reversing the acquittal which already stood affirmed in appeal; impugned judgment set aside. **[Para 10]**

(iv) Negotiable Instruments Act, 1881 (26 of 1881), Section 147 — Compounding at the appellate stage — During pendency of the appeal before the Supreme Court, the appellant-accused tendered a sum of Rs.4 lakhs to the complainant through three demand drafts — Offence under Section 138 of the NI Act, 1881 directed to stand compounded in terms of Section 147 of the NI Act; appellant acquitted. **[Paras 11, 12, 13]**

Shri M.P. Parthiban, for the appellant. Shri Raghenth Basant, Senior Advocate, with Ms. Hima Bhardwaj, Mr. Sajal Sinha and Mr. Arjun Singh Bhati, for the respondent.

ORDER

Sandeep Mehta, J. - (17-04-2026) -

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