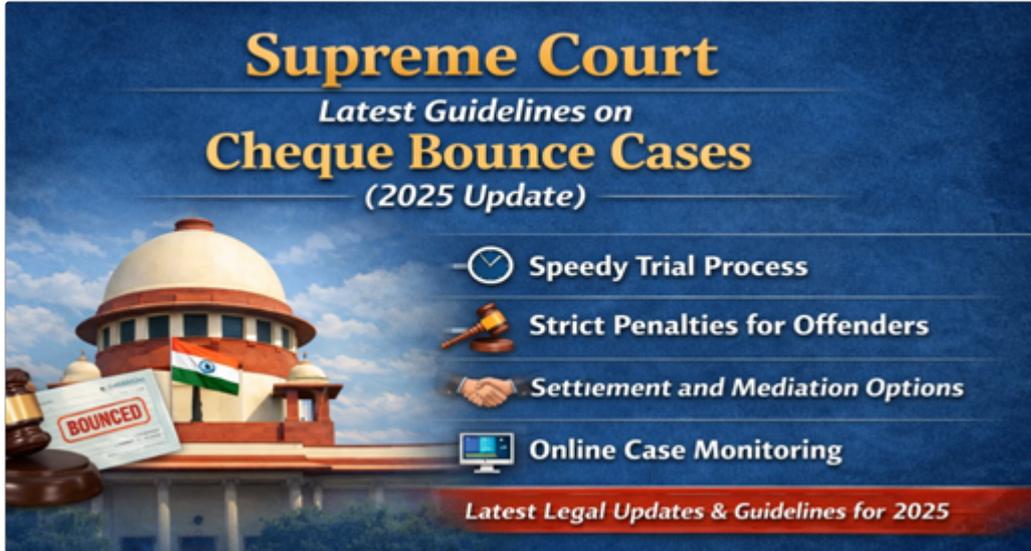




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Supreme Court to Clarify Appeal Rights in Cheque Bounce Acquittals

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§The Supreme Court of India is examining a legal question about cheque bounce cases.

§The question is: Can a complainant appeal an acquittal (a “not guilty” decision) by a trial court without first getting permission (leave) from a higher court?

Background: Cheque Bounce Cases

§A cheque gets “bounced” when a bank refuses to pay the amount written on it, usually because of insufficient funds or other valid bank reasons.

§Cheque bounce cases are covered under Section 138 of the Negotiable Instruments Act, 1881 (NI Act), making bounced cheques a criminal offence.

What Happened in the Supreme Court?

§The Supreme Court referred the matter to a larger bench to decide whether complainants can directly file an appeal after acquittal.

§The key question: Does a complainant have to first seek “leave to appeal” (permission) from the High Court, or can they appeal as a right without prior permission?

Conflicting Past Legal Positions

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§Previous Supreme Court rulings (2013 and 2015) said that in complaint cases, the complainant must seek special leave to appeal before the High Court.

§But a 2025 decision (Celestium Financial vs A Gnanasekaran) said that a complainant who is also a “victim” under the Code of Criminal Procedure (CrPC) can appeal directly under Section 372 without seeking leave first.

Legal Provisions Involved

Section 372, CrPC:

§Normally no appeal lies against an acquittal unless the law allows it.

§But it gives a “victim” the right to appeal against an acquittal or inadequate compensation.

Section 378(4), CrPC:

§Says that in complaint cases (like cheque bounce), the complainant must get leave from the High Court to appeal against acquittals.

CrPC Section 2(wa):

§Defines “victim” to include a person who suffered any loss or injury, including financial loss — which makes the complainant in a cheque bounce case a “victim” if loss can be proved.

Core Legal Question

§Should a complainant in a cheque bounce case be treated as a “victim” under CrPC and allowed to appeal without permission?

§Or must they first seek leave under Section 378(4) before filing an appeal?

§The Supreme Court is trying to clarify this conflict.

Why This Matters

§If the complainant can appeal directly:

§It becomes easier to challenge an acquittal.

§Cases may be reviewed on merit without the hurdle of seeking leave first.

If permission is required:

§Complainants must satisfy the High Court that there was an error in the acquittal before the appeal is heard, which is a higher threshold.

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