



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

243 (2 cases)

Decided on : 10.11.2025

- (1) CRM-A-67-2024
PAWAN LUBANA V/S HARJIT KAUR
- (2) CRM-A-71-2024
PAWAN LUBANA V/S HARJIT KAUR

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vishal Sharma, Advocate for the applicant/appellant.
Mr. Arnav Sood, Advocate for the respondent.

AMAN CHAUDHARY, J. (Oral)

1. The present appeals have been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') against the judgments of acquittal 23.11.2023 passed by the learned Judicial Magistrate 1st Class, Hoshiarpur in complaints filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').
2. Hon'ble the Supreme Court in **M/s Celestium Financial vs. A. Gnanasekaran Etc.**, 2025 SCC OnLine 1320, held that an appeal is maintainable under the proviso of Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023) against an order of acquittal passed in a complaint under Section 138 NI Act, by treating the complainant therein, as a 'victim' within the meaning under Section 2 (wa) of Cr.P.C, in view of which, the present appeal is disposed of by directing the concerned Sessions Judge, for treating it to have been filed under Section 372 of Cr.P.C. and assigning the same to the Court concerned for deciding it.
3. Registry is directed to send the complete paper-books and trial Court record, if received, along with the said order forthwith, while also informing the parties.
4. Photocopy of this order be placed on the file(s) of connected case.

**(AMAN CHAUDHARY)
JUDGE**

November 10, 2025

Vishal Vardhan

Whether speaking/reasoned :	Yes / No
Whether reportable :	Yes / No