

2025:PHHC:170129



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

326

CRA-S-249-SB-2008

Date of Decision: 05.12.2025

BANSI LAL

... Petitioner

VERSUS

AMAR SINGH

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Anirudh Kaushal, Advocate
(Amicus Curiae) for the appellant.

None for respondent.

H.S. GREWAL, J. (ORAL)

The appellant has filed the instant appeal against the judgment of acquittal dated 11.12.2004 passed by the trial Court in a complaint case bearing No.7-1 of dated 08.01.2004 instituted under Section 138 of N.I. Act, 1881, whereby the respondent-accused has been acquitted of the notice of accusation served upon him.

2. The limited question arising for consideration in the present proceedings is whether an appeal against an order of acquittal passed in a complaint case under Section 138 of N.I. Act, 1881 can be entertained under the proviso to Section 372 of the Cr.P.C. at the instance of the complainant?

3. The issue is no longer *res integra*. In '***M/s Celestium Financial Vs. A. Gnanasekaran Etc. 2025 INSC 804: 2025(3) RCR (Criminal) 208***', Hon'ble the Supreme Court authoritatively held that a complainant in a prosecution under the provisions of IPC, qualifies as a 'victim' under Section 2(wa) of the Cr.P.C., being the person aggrieved on account of cheating and forgery allegedly

committed by the respondents-accused. Consequently, such a complainant is entitled to pursue an appeal against acquittal under the proviso to Section 372 of the Cr.P.C., without the requirement of seeking special leave under Section 378(4) of the Cr.P.C.

4. Adopting a pragmatic and justice-oriented approach and guided by the principle that procedural rule must serve and not obstruct the course of justice, this Court deems it appropriate to direct that the present appeal be treated as one authoritatively instituted under the proviso to Section 372 of the Cr.P.C.

5. In view of the authoritative pronouncement in *M/s Celestium Financial's case (supra)* and the view taken by this Court also in *CRM-A-1320-MA-2016* titled as *Rajat Deep Versus Prince* disposed of on 21.07.2025, the present appeal is disposed of with a direction that the learned Sessions Judge concerned shall treat the present appeal as an appeal filed under the proviso to Section 372 of the Cr.P.C. and assign the same to himself/herself or to a Court of competent jurisdiction for disposal on merits, in accordance with law.

6. The lower Appellate Court concerned shall proceed to decide the appeal expeditiously, without being impeded by any delay in filing the appeal, in view of the legal position now clarified by the Hon'ble Apex Court.

7. The Registry is directed to transmit this order along with copy of the complete paper book and return the trial Court record, if received, to the learned Sessions Judge concerned.

8. All other misc. application(s), if any, also stand(s) disposed of accordingly.

(H.S. GREWAL)
JUDGE

DECEMBER 05, 2025.

Rajender

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