

2025:PHHC:097322



250-2

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

**CRM-15351-2023 in/and
CRM-A-380-2023 (O&M)
DECIDED ON: 31.07.2025**

RAKESH KUMAR

....APPLICANT/APPELLANT(S)

VERSUS

MUNISH

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Yashveer Kharb, Advocate for the petitioner(s).

SANDEEP MOUDGIL, J (ORAL)

CRM-15351-2023

This application has been filed under Section 5 of the Limitation Act for condonation of delay of 194 days in filing the appeal.

For the reasons mentioned in the application and in view of the submission made by learned counsel for the applicant, the application is allowed and delay of 194 days in filing the appeal is condoned.

Main case

1. The present application has been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking grant of leave to appeal the judgment of acquittal dated 30.05.2022 passed by the learned JMIC, Panipat in a case filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. The Hon'ble Supreme Court in *M/s Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, after considerable discussion and comparative interpretation of Sections 372 and 378(4) of Cr.P.C., concluded that the victim has a right to file an appeal under Section 372 of Cr.P.C. before the Court of Sessions.

3. Therefore, in view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present application seeking leave to appeal is remanded back to the learned Sessions Judge, Panipat with a direction to treat the same as filed under Section 372 of the Cr.P.C. and entrust it to appropriate Court for its disposal.

4. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Panipat forthwith.

5. Disposed of accordingly.

6. Pending miscellaneous applications, if any, also stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

31.07.2025
anuradha

<i>Whether speaking/reasoned</i>	:Yes/No
<i>Whether reportable</i>	:Yes/No