



CRA-AS-49-2023 (O&M)

-1-

228

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-AS-49-2023 (O&M)

Date of Decision: 21.08.2025

GURPREET SINGH

... APPELLANT

VERSUS

RUPINDER KAUR

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Rahul Sharma, Advocate
for the appellant.

SUBHAS MEHLA, J. (ORAL)

1. The present appeal has been filed against the judgment of acquittal dated 29.08.2013 passed by the learned Judicial Magistrate 1st Class, Ludhiana in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as '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. Reliance in this regard can also be placed on *Satish Kumar Versus Jugal Kishor* in *CRM-A-2700-MA-2018* decided on 02.07.2025. Further still, applying the doctrine of prospective overruling, the Hon'ble Supreme Court in *Directorate of Revenue Intelligence Vs. Raj Kumar Arora in SCC Online 819* has



clarified that as a rule of thumb, judgments rendered shall be applicable retrospectively.

3. Therefore, in view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present appeal is remanded back to the learned Sessions Judge, concerned 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, concerned forthwith.

5. Disposed of accordingly.

(SUBHAS MEHLA)
JUDGE

21.08.2025
Sima

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