

**CRM-A-675-MA-2013****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****Sr. No.137****CRM-A-675-MA-2013 (O&M)****Date of Decision: 27.08.2025****M/S KRISHNA TRADING COMPANY****....Appellant****Versus****VED SINGH****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present:- Mr. Shvetanshu Goel, Advocate and
Ms. Kritika Gupta, Advocate for the appellant.

Mr. Pulkit Dhanda, Advocate for the respondent.

SUBHAS MEHLA, J. (Oral)

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 05.12.2011 passed by the learned Judicial Magistrate 1st Class, Safidon District Jind in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. Against judgment and acquittal dated 05.12.2011 the appellant/complainant preferred appeal bearing No.1 of 05.01.2012 before the learned Sessions Court and same was disposed of by learned Additional Sessions Judge, Jind vide judgment dated 01.08.2013, whereby it was held that the present appeal was hereby held to be not maintainable before the Court and thus it would not be appropriate to go into the merits of the impugned judgment 05.12.2011 passed by the learned trial Court.

3. The Hon'ble Supreme Court in *M/s Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, after considerable

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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.

4. 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, concerned with a direction to treat the same as filed under Section 372 of the Cr.P.C. and dispose of it by himself or entrust it to appropriate Court for its disposal.

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

6. Pending applications if any, shall be decided by the Court concerned after providing opportunity of hearing to the opposite side.

7. Disposed of accordingly.

27.08.2025

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(SUBHAS MEHLA)
JUDGE

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