



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

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1. **CRM-A-1251-MA-2018 (O&M)**
Date of decision: 29.07.2025

Darshan SinghApplicant/Appellant

Versus

M/s S.V. Cold DrinksRespondent

2. **CRM-A-1404-MA-2018**
Date of decision: 29.07.2025

Ashok KumarApplicant/Appellant

Versus

M/s S.V. Cold DrinksRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Gupta, Advocate
for the applicants/appellants.

MANJARI NEHRU KAUL, J.

1. The applicants have filed the present applications seeking grant of leave to appeal against the judgment of acquittal passed in a complaint case instituted under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as, 'NI Act'), whereby the complaints filed by the applicants were dismissed and the accused was acquitted.

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 the NI Act 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***', the Hon'ble Supreme Court authoritatively held that a complainant in a prosecution under Section 138 of the NI Act, qualifies as a 'victim' under Section 2(wa) of the Cr.P.C., being the person who suffers financial loss due to the dishonour of a cheque. 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 subsequent cases including in ***CRM-A-1320-MA-2016 titled as 'Rajat Deep Vs. Prince', disposed of on 21.07.2025***, the present applications are disposed of with a direction that the learned Sessions Judge concerned shall treat the present appeals as appeals filed under the proviso to Section 372 of the Cr.P.C. and assign the same to an appropriate Court for disposal on merits, in accordance with law.

6. The concerned Appellate Court shall proceed to decide the

appeals expeditiously, without being impeded by any delay in filing the appeals, 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-books and return the Trial Court record, if received, to the learned Sessions Judge.

8. Disposed of accordingly.

9. A photocopy of this order be placed on the file of other connected case.

29.07.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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