In the High Court for the States of Punjab and Haryana at Chandigarh

228

CRM-A-1272-MA-2018 (O&M)
Date of Decision:- 14.11.2025

Tinna Viterra Pvt. Ltd. (now known as Fratelli Vineyards Ltd.)

… Applicant

Versus

M/s Bafna Dall Industries and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Deepak Girotra, Advocate,
for the applicant.

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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 against the judgment of acquittal dated 20.02.2018 passed by learned Judicial Magistrate Ist Class, Gurugram, in a complaint 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. 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, the Hon'ble Supreme Court in ***Directorate of***

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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 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 to dispose of by himself/herself or 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

14.11.2025
Geeta

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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