

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

2025:PHHC:156292



CRM-A-938-MA-2013 (O&M)
Date of decision: 10.11.2025.

SURINDER SINGH

...Applicant-appellant.

VERSUS

JASBIR SINGH

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Surinder Kumar Kanojia, Advocate,
for the applicant-appellant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-45869-2013

For the reasons mentioned in the application, the same is
allowed.

Delay of 701 days in filing of the appeal is condoned.

CRM-45870-2013 and CRM-3190-2017

Applications are allowed as prayed for subject to all just
exceptions.

Annexures are taken on record.

The Registry is directed to tag the same at an appropriate place.

Main case

Present appeal has been filed against the order dated 27.09.2011

passed by the Sub Divisional Judicial Magistrate, Dasuya passed in IPC Complain bearing RBT No.74 dated 19.09.2006/04.05.2010, wherein the complaint filed by the complainant under Section 500 of the Indian Penal Code, 1860 was dismissed and the respondent-accused was acquitted.

Aggrieved of the acquittal of the respondent-accused, the applicant-appellant preferred an appeal before the Sessions Judge, Hoshiarpur, bearing Criminal Appeal No.17 of 08.11.2011, however, the said appeal had been dismissed vide judgment dated 17.09.2013 on the ground of same being not maintainable.

Counsel for the applicant-appellant contends that as per the judgment of the Hon'ble Supreme Court in the matter of **M/s. Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal)**, the complainant is entitled to prefer an appeal before the next Appellate Court viz the Court of Sessions against the order of acquittal. It is contended that the learned Addl. Sessions Judge, Hoshiarpur had dismissed the same on the ground of maintainability.

I have heard the learned counsel appearing for the applicant-appellant and have gone through the documents appended along with the present appeal.

It is not disputed that the original complaint was dismissed and the accused was acquitted and the applicant-appellant filed an appeal before the Sessions Judge, Hoshiarpur. Undisputedly, the appeal preferred by the applicant-appellant was dismissed by the Court of Sessions on the ground of maintainability.

The judgment of the Hon'ble Court in the matter of **Celestium**

Financial (supra), clearly lays down that a complainant-victim is entitled to prefer an appeal in terms of Section 372 of the Cr.P.C. (as it was then) to the next Appellate Court to which an appeal would ordinarily lie. Hence, the Sessions Court is required to consider the appeal afresh and pass an order on merits.

Consequently, the judgment dated 17.09.2013, passed by the Additional Sessions Judge, Hoshiarpur, in Criminal Appeal No.17 of 08.11.2011, is set aside. The matter is remanded to the Court of Sessions to decide the same afresh accordingly.

Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

November 10, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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