



115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-44936-2025 in/and
CRM-A-1466-MA-2018 (O & M)
Date of decision: 14.11.2025

ASSA SINGH

...APPLICANT

V/S

NATINDER KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sanjeev Kumar Arora, Advocate
for the applicant.

SUBHAS MEHLA, J. (ORAL)

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Heard.

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

The main case is ordered to be preponed and taken on board
today itself.

CRM-A-1466-MA-2018 (O & M)

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 02.02.2018 passed by learned Judicial Magistrate 1st Class, Ferozepur in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act') read with Section 420 IPC.

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



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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 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.

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Since the matter has been remanded to learned Sessions Judge, concerned, the present application stands disposed of.

November 14, 2025
manisha

(SUBHAS MEHLA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |