



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

248(1 to 3)

Decided on : 03.11.2025

CRM-A-2401-MA-2018 (O&M)
BHUSHAN POWER AND STEEL LIMITED V/S M/S DHARAMSHI
METALS PVT LTD AND ANOTHER

CRM-A-2442-MA-2018 (O&M)
BHUSHAN POWER AND STEEL LIMITED V/S M/S DHARAMSHI
METALS PVT LTD AND ANOTHER

CRM-A-2505-MA-2018 (O&M)
BHUSHAN POWER AND STEEL LIMITED V/S M/S DHARAMSHI
METALS PVT LTD AND ANOTHER

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jagraj Singh & Mr. Vinish Singla, Advocates for the
applicant/appellant.

Mr. G.S. Sandhu, Advocate, for the respondents.

AMAN CHAUDHARY, J. (Oral)

1. The present appeals have been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') against the judgments of acquittal dated 01.08.2018 passed by the learned Judicial Magistrate 1st Class, Chandigarh, in complaints filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act')

2. Hon'ble the Supreme Court in **M/s Celestium Financial vs. A. Gnanasekaran Etc.**, 2025 SCC OnLine 1320, held that an appeal is maintainable under the proviso of Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023) against an order of acquittal passed in a complaint under Section 138 NI Act, by treating the complainant therein, as a 'victim' within the meaning under Section 2 (wa) of Cr.P.C, in view of which, the present appeal is

disposed of by directing the concerned Sessions Judge, for treating it to have been filed under Section 372 of Cr.P.C. and assigning the same to the Court concerned for deciding it.

- 3. Registry is directed to send the complete paper-books and trial Court records, if received, along with the said order forthwith, while also informing the parties.
- 4. Photocopy of this order be placed on the file(s) of connected case.

(AMAN CHAUDHARY)
JUDGE

November 03, 2025

Vishal Vardhan

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