



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(247)

CRM-A-325-MA-2016

DATE OF DECISION: 02.12.2025

Parvinder Singh

.....Applicant

VERSUS

Rakesh Kumar

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present None for the applicant.
Ms. Manisha Sharma, Advocate,
for Mr. M.S.Bhatti, Advocate,
for respondent.

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 09.10.2015 passed by learned Sub Divisional Judicial Magistrate, Samrala in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. Notice to respondent.

3. Ms. Manisha Sharma, Advocate appears for Mr. Manpreet Singh Bhatti, Advocate for respondent no.1 and files his vakalatnama, same is taken on record. Learned counsel for respondent prayed that the present application against the judgment of acquittal be remanded back.

4. The Hon'ble Supreme Court in *M/s Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, after considerable



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 2025 INSC 498; 2025 SCC Online 819* has clarified that as a rule of thumb, judgments rendered shall be applicable retrospectively.

5. 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.

6. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge concerned forthwith.

7. Disposed of accordingly.

8. Applicant be informed through counsel.

02.12.2025
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No