



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

CRM-A-2700-MA-2018

Date of Decision: 02.07.2025

Satish Kumar

...Applicant-Appellant

Versus

Jugal Kishor

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Alisha Viridi, Advocate for
Mr. M.S. Viridi, Advocate
for the applicant-appellant.

None for the respondent.

HARPREET SINGH BRAR, 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 the judgment of acquittal dated 07.09.2018 passed by the learned Additional Chief Judicial Magistrate, Mansa in a case stemming from complaint dated 25.08.2017 filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. Tersely put, the facts of the case are that the respondent had borrowed Rs.4,00,000/- from the applicant on 16.07.2015 at an interest of 24% p.a. The transaction was done via RTGS on



16.07.2015. It was also agreed that the rate of interest will decrease from 24% to 18% p.a. w.e.f. 01.04.2016. In order to discharge his liability, the respondent issued a cheque bearing No.029160 dated 12.07.2017 for the amount of Rs.5,80,000/-, drawn on ICICI Bank, Mansa. However, on presentation for encashment, the same was dishonoured vide memo dated 17.07.2017 with the remarks- funds insufficient and account dormant. Consequently, the applicant-appellant served a legal notice dated 20.07.2017 on the respondent. Since the respondent failed to make the requisite payment in the stipulated time, complaint (*supra*) was filed against him. After assessing all the material available on the record, the learned trial Court acquitted the respondent vide judgment dated 07.09.2018.

• **IMPACT OF THE DECISION IN CELESTIUM FINANCIAL CASE**

3. There has been an ongoing debate whether the right of the victim to file an appeal against acquittal in a complaint case would fall under Section 372 or Section 378(4) of Cr.P.C. The same was recently put to rest by the Hon'ble Supreme Court in ***M/s. Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208.***

4. Till recently, there was a variation in the opinion expressed by various High Courts regarding the maintainability of an appeal against acquittal by the jurisdictional Magistrate. Some High Courts inclined towards the idea that, in a private complaint, an appeal



against acquittal can be filed by the victim in view of the proviso to Section 372 of Cr.P.C., inserted vide Act 5 of 2009, applicable w.e.f. 31.12.2009. Conversely, some others concluded that in such a scenario, an appeal could be filed by the complainant only in the High Court under Section 378(4) of Cr.P.C. This divergence of the views on the issue of maintainability of an appeal against acquittal by the victim led to constitution of a Full Bench of this Court and the matter was taken up in the case of *M/s. Tata Steel Limited vs. M/s. Atma Tube Products Limited 2013(2) R.C.R.(Criminal) 1005*.

5. Prior to the judgment of the Hon'ble Supreme Court in *Celestium Financial (supra)*, naturally, this Court was bound by the judgment rendered by the Full Bench of this Court in *Tata Steel (supra)* wherein it was concluded that a victim in a private complaint case can challenge the judgment of acquittal by filing an appeal only before the High Court, after seeking special leave to appeal under Section 378(4) of Cr.P.C. The Hon'ble Supreme Court in *Celestium Financial (supra)*, 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. Speaking through Justice B.V. Nagarathna, the following was held:



“7.12 The reasons for the above distinction are not far to see and can be elaborated as follows:

Firstly, the victim of a crime must have an absolute right to prefer an appeal which cannot be circumscribed by any condition precedent. In the instant case, a victim under Section 138 of the Act, i.e., a payee or the holder of a cheque is a person who has suffered the impact of the offence committed by a person who is charged of the offence, namely, the accused, whose cheque has been dishonoured.

Secondly, the right of a victim of a crime must be placed on par with the right of an accused who has suffered a conviction, who, as a matter of right can prefer an appeal under Section [374](#) of the CrPC. A person convicted of a crime has the right to prefer an appeal under Section 374 as a matter of right and not being subjected to any conditions. Similarly, a victim of a crime, whatever be the nature of the crime, unconditionally must have a right to prefer an appeal.

Thirdly, it is for this reason that the Parliament thought it fit to insert the proviso to sub-section 372 without mandating any condition precedent to be fulfilled by the victim of an offence, which expression also includes the legal representatives of a deceased victim who can prefer an appeal.

On the contrary, as against an order of acquittal, the State, through the Public Prosecutor can prefer an appeal even if the complainant does not prefer such an appeal, though of course such an appeal is with the leave of the court. However, it is not always necessary for the State or a complainant to prefer an appeal. But when it comes to a victim's right to prefer an appeal, the insistence on seeking special leave to appeal from the High Court under Section [378](#)(4) of the CrPC would be contrary to what has been intended by the Parliament by insertion of the proviso to Section [372](#) of the CrPC.

Fourthly, the Parliament has not amended Section 378 to circumscribe the victim's right to prefer an appeal just as it has with regard to a complainant or the State filing an appeal. On the other hand, the Parliament has inserted the proviso to Section 372 so as to envisage a superior right for the victim of an offence to prefer an appeal on the grounds mentioned therein as compared to a complainant.



Fifthly, the involvement of the State in respect of an offence under Section 138 of the Act is conspicuous by its absence. This is because the complaint filed under that provision is in the nature of a private complaint as per Section [200](#) of the CrPC and Section 143 of the Act by an express intention incorporates the provisions of the CrPC in the matter of trial of such a deemed offence tried as a criminal offence. Therefore, the complainant, who is the victim of a dishonour of cheque must be construed to be victim in terms of the proviso to Section 372 read with the definition of victim under Section 2(wa) of the CrPC.”

HISTORICAL BACKGROUND OF RIGHT OF VICTIM TO PURSUE AN APPEAL AGAINST ACQUITTAL

6. The Code of Criminal Procedure 1861, vide Section 407, categorically proscribed an appeal against acquittal. The same was replaced by the Code of Criminal Procedure, 1872, which allowed for appeals against acquittal vide Section 272, however, only on behalf of the Government. Subsequently, the Code of Criminal Procedure, 1898 was introduced which under Section 417 retained the provision of Section 272 of the Act of 1872. However, an amendment was introduced to the same vide Act 26 of 1955, applicable w.e.f. 01.01.1956, which provided a right to appeal a judgment of acquittal to the complainant, subject to the leave of the High Court. Thereafter, the Code of Criminal Procedure, 1973, was introduced which contained a similar provision in this regard, which has also been carried forward in Section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter ‘BNSS’). The same reads as follows:



Section 378. Appeal in case of acquittal. (now Section 419 of the BNSS)

(1) *Save as otherwise provided in sub-section (2), and subject to the provisions of sub-sections (3) and (5),—*

(a) the District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) the State Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision.]

(2) *If such an order of acquittal is passed in any case in which the offence has been investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than this Code, 1 [the Central Government may, subject to the provisions of sub-section (3), also direct the Public Prosecutor to present an appeal—*

(a) to the Court of Session, from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) to the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision.

(3) *No appeal to the High Court] under sub-section (1) or sub-section (2) shall be entertained except with the leave of the High Court.*

(4) *If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal,*



the complainant may present such an appeal to the High Court.

(5) No application under sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of six months, where the complainant is a public servant, and sixty days in every other case, computed from the date of that order of acquittal.

(6) If, in any case, the application under sub-section (4) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1) or under sub-section (2).

7. A perusal of the same would indicate that there is a prerequisite to seek the leave of the High Court to move an appeal against acquittal in a private complaint case. As such, the High Court has to be satisfied that there are arguable points involved which would merit a hearing, before such leave to pursue an appeal is granted. The phrasing of Section 378(4) Cr.P.C. would indicate that only ‘complainant’ has been granted the right to pursue such a course while the victim was relegated to being a silent bystander in the entire adjudicatory process. In order to remedy the same, in the year 2009, a proviso was added to Section 372 of the Cr.P.C. vide Act 5 of 2009, made applicable w.e.f. 31.12.2009 granting a right to prefer an appeal against acquittal of the accused to the victim. The same reads as follows:

Section 372. No appeal to lie unless otherwise provided.
(now Section 413 of BNSS)



No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court. (emphasis added)

8. In most cases, legislative mandate as well as the judicial precedent is clear. The difficulty arises when there is a gap in the legislative mandate leaving a scope of mischief or makes two different interpretations feasible. The Legislature, in its wisdom, could not have intended to confer a right to file an appeal against the judgment of acquittal rendered by a Magistrate, upon a victim, before the Court of Sessions under Section 372 of the Cr.P.C. and also the High Court, subject to grant of special leave under Section 378(4) of the Cr.P.C. Since two parallel provisions exist for the redressal of the grievance of the victim against the judgment of acquittal of the accused, harmonious construction of both is imperative to suppress this mischief and further the cause of justice.

9. A similar view was echoed by a two Judge of the Hon'ble Supreme Court in ***Badshah vs. Sou. Urmila Badshah Godse and another (2014) 1 SCC 188***, wherein, speaking through Justice A.K. Sikri, the following was opined:



“16. The law regulates relationships between people. It prescribes patterns of behaviour. It reflects the values of society. The role of the court is to understand the purpose of law in society and to help the law achieve its purpose. But the law of a society is a living organism. It is based on a given factual and social reality that is constantly changing. Sometimes change in law precedes societal change and is even intended to stimulate it. In most cases, however, a change in law is the result of a change in social reality. Indeed, when social reality changes, the law must change too. Just as change in social reality is the law of life, responsiveness to change in social reality is the life of the law. It can be said that the history of law is the history of adapting the law to society's changing needs. In both constitutional and statutory interpretation, the court is supposed to exercise discretion in determining the proper relationship between the subjective and objective purposes of the law.

17. Cardozo acknowledges in his classics

“... no system of jus scriptum has been able to escape the need of it”

and he elaborates:

“It is true that codes and statutes do not render the Judge superfluous, nor his work perfunctory and mechanical. There are gaps to be filled. There are hardships and wrongs to be mitigated if not avoided. Interpretation is often spoken of as if it were nothing but the search and the discovery of a meaning which, however obscure and latent, had nonetheless a real and ascertainable pre-existence in the legislator's mind. The process is, indeed, that at times, but it is often something more. The ascertainment of intention may be the least of a Judge's troubles in ascribing meaning to a statute.

Says Gray in his lectures:

“The fact is that the difficulties of so-called interpretation arise when the legislature has had no meaning at all; when the question which is raised on the statute never occurred to it; when what the Judges have to do is, not to determine that the legislature did mean on a point which was present to its mind, but to guess what it would have intended on a point not present to its mind, if the point had been present.”



10. At this juncture, it would be apposite to refer to the observations made by Lord Justice Denning in ***Seaford Court Estates Ltd. vs. Asher (1949) 2 All ER 155, p. 164 (CA)*** which reads as follows:

"22. ...It would certainly save the judges trouble if Acts of Parliament were drafted with divine prescience and perfect clarity. In the absence of it, when a defect appears a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, and he must do this not only from the language of the statute, but also from a consideration of the social conditions which gave rise to it and of the mischief which it was passed to remedy, and then he must supplement the written word so as to give "force and life" to the intention of the legislature. That was clearly laid down (3 Co. Rep. 7b) by the resolution of the judges [Sir Roger Man wood, C.B., and the other barons of the Exchequer] in Heydon's case (4), and it is the safest guide to-day. Good practical advice on the subject was given about the same time by Plowden in his note (2 Plowd. 465) to *Eyston v. Studd* (1574) 2 Plowd. 463 : 42 Digest 653, 379. Put into homely metaphor it is this : A judge should ask himself the question how, if the makers of the Act had themselves come across this ruck in the texture of it, they would have straightened it out? He must then do as they would have done. A judge must not alter the material of which the Act is woven, but he can and should iron out the creases. "

11. The same approach has also been reiterated and relied upon by the Hon'ble Supreme Court in ***Bangalore Water Supply vs. A. Rajappa AIR 1978 SC 548.***

ANALYSIS



12. In his book titled *The Nature of Judicial Process*, Justice Benjamin N. Cardozo of the Supreme Court of the United States, a distinguished jurist, famously stated that- “*Law never is, but is always about to be.*” He opined that the law is not a static, fixed entity, rather it undergoes constant evolution. While it is true that precedents and codes provide structure, they often leave gaps in law. In this context, Judges play a crucial role in interpreting the law based upon the needs and values of the society and fill the said gaps. In order to serve the larger societal interest, the law must be interpreted in a manner that supports social welfare and may be reshaped to meet the evolving needs of society and justice. For it to be relevant the law must be rooted in reality and making it devoid of context and nuance would defeat its very purpose. The mandate of a Judge is not to merely apply the law mechanically by adopting purely formalistic approach; rather one has to be sensitive to the context and impact.

13. The focus must remain on the intent behind a statute and the purpose for which it was enacted. An exercise of interpretation that concentrates on the same is more likely to ensure that the law achieves its intended goals-social, economic or moral. Purposive interpretation often calls for the Courts to take into consideration the social context and duly analyze the mischief that the statutory remedy aims to address. Mechanically following the black letter of law may come at



cost the overarching social goals and is more likely to create ambiguity and cause injustice. Reference in this regard can be made to the judgment rendered by a two Judge bench of the Hon'ble Supreme Court in ***New India Assurance Co. Ltd. vs. Nusli Neville Wadia and another (2008) 3 SCC 279***, wherein speaking through Justice S.B. Sinha, the following was observed:

"51..... With a view to read the provisions of the Act in a proper and effective manner, we are of the opinion that literal interpretation, if given, may give rise to an anomaly or absurdity which must be avoided. So as to enable a superior court to interpret a statute in a reasonable manner, the court must place itself in the chair of a reasonable legislator/author. So done, the rules of purposive construction have to be resorted to which would require the construction of the Act in such a manner so as to see that the object of the Act is fulfilled, which in turn would lead the beneficiary under the statutory scheme to fulfil its constitutional obligations as held by the Court inter alia in Ashoka Marketing Ltd.

52. Barak in his exhaustive work on "Purposive Construction " explains various meanings attributed to the term "purpose". It would be in the fitness of discussion to refer to Purposive Construction in Barak's words:

"Hart and Sachs also appear to treat 'purpose' as a subjective concept. I say 'appear' because, although Hart and Sachs claim that the interpreter should imagine himself or herself in the legislator's shoes, they introduce two elements of objectivity: First, the interpreter should assume that the legislature is composed of reasonable people seeking to achieve reasonable goals in a reasonable manner; and second, the interpreter should accept the non-rebuttable presumption that members of the legislative body sought to fulfill their constitutional duties in good faith. This formulation allows the



interpreter to inquire not into the subjective intent of the author, but rather the intent the author would have had, had he or she acted reasonably."

14. Reliance in this regard can also be placed on the judgment rendered by a three Judge bench of the Hon'ble Supreme Court in ***Workmen of Dimakuchi Tea Estate vs. Management of Dimakuchi Tea Estate AIR 1958 SC 353*** wherein speaking through Justice S.K. Das, the following was held:

*"9. A little careful consideration will show, however, that the expression "any person" occurring in the third part of the definition clause cannot mean anybody and everybody in this wide world. First of all, the subject matter of dispute must relate to (i) employment or non-employment or (ii) terms of employment or conditions of labour of any person; these necessarily import a limitation in the sense that a person in respect of whom the employer-employee relation never existed or can never possibly exist cannot be the subject matter of a dispute between employers and workmen. **Secondly, the definition clause must be read in the context of the subject matter and scheme of the Act, and consistently with the objects and other provisions of the Act. It is well settled that***

"the words of a statute, when there is a doubt about their meaning are to be understood in the sense in which they best harmonise with the subject of the enactment and the object which the legislature has in view. Their meaning is found not so much in a strictly grammatical or etymological propriety or language, nor even in its popular use, as in the subject or in the occasion on which they are used, and the object to be attained.

(Maxwell, Interpretation of Statutes, 9th Edition, p. 55)."

(emphasis added)



15. Reliance in this regard can also be placed on the judgment rendered by the Hon'ble Supreme Court in ***Mukand Ltd. Mukand Staff & Officers Association 2004 AIR SC 3905.***

16. Further still, while choosing between two possible interpretations, due regard must be given to their respective consequences. If an interpretation visibly leads to absurdity, inconsistency or significant inconvenience, the same ought to be rejected. As such, a preference must always be given to the construction that avoids causing chaos, confusion and mischief. Reliance in this regard can be placed on the judgment rendered by the Hon'ble Supreme Court in ***Veluswami Thevar vs. G. Raja Nainar AIR 1959 SC 422***, wherein speaking through Justice T.L. Venkatarama Ayyar, the following was opined:

13. ...It is no doubt true that if on its true construction, a statute leads to anomalous results, the Courts have no option but to give effect to it and leave it to the legislature to amend and alter the law. **But when on a construction of a statute, two views are possible, one which results in an anomaly and the other, not, it is our duty to adopt the latter and not the former, seeking consolation in the thought that the law bristles with anomalies.** Anomalies will disappear, and the law will be found to be simple and logical, if it is understood that when a question is raised in an election petition as to the propriety of the rejection of a nomination paper, the point to be decided is about the propriety of the nomination and not the decision of the returning officer on the materials placed before him, and that decision must depend on whether the candidate is duly qualified and is not subject to any disqualifications as provided in Section 36(2).”



17. In order to further the cause of justice and advance the specific remedy intended to be provided by the legislature, it is imperative to engage in the exercise of purposive interpretation to harmonise the provision contained in Section 372 and Section 378(4) of the Cr.P.C. At times, the legislature can only foresee and contemplate ordinary and natural events, as such, situations may arise which are not explicitly covered by a statute, causing inconvenience to the stakeholders and further obstruct the administration of justice. In that vein, the provisions contained in the Cr.P.C. are not exhaustive and the Courts are often faced with situations highlighting these lacunae.

BALANCING RIGHTS OF VICITM WITH THE RIGHT OF THE ACCUSED

18. The term victim has been defined under Section 2(wa) of the Cr.P.C. (now Section 2(1)(y) BNSS) as follows:

Section 2(wa) of Cr.P.C.

“victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;

19. The right to fair trial is not only restricted to the accused but also extends to the victim and the society as well. While the right of the accused to fair investigation resulting in a fair trial is vociferously discussed, more often than not, little concern is shown to



the victim and the society. The onerous duty to maintain a middle ground to secure speedy and fair investigation and trial of the accused, without sacrificing the interest of the victim and the society, is cast upon the Courts.

20. It is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

21. A perusal of Section 2(wa) of the Cr.P.C. would indicate that no distinction has been drawn between victims of a crime in a State case and a private complaint case. Therefore, the right to appeal vested in the victim under Section 372 of the Cr.P.C. is available to all victims alike as it too does not discriminate between the victim of a crime in a privately instituted complaint and the victim in a case emanating from an FIR registered by the jurisdictional police. Since Section 138 of the NI Act has been given a penal nature by the Legislature, the victim of such misdemeanor would be entitled to the same right, in spite of the fact that a private complaint is filed in this regard. Thus, the right of the victim under Section 372 Cr.P.C. cannot



be limited to cases where criminal law machinery was set into motion by registration of an FIR only.

22. In a case instituted on a police report under Section 173 of the Cr.P.C, the victim has a right to challenge the acquittal of the accused before the Court of Sessions. On the other hand, the victims are compelled to travel long distances to the High Court and seek leave of the Court under Section 378(4) Cr.P.C. to pursue an appeal against acquittal in a private complaint case. It stands against reason to put the victim to such disadvantage. The inadvertent gap left by the legislature has caused hardship and inconvenience to the victim and creates an anomaly. Further, another incongruent situation arises when some of the accused are acquitted while some stand convicted in a privately instituted complaint case. The appeal against conviction, per Section 374 of the Cr.P.C. lies before the Court of Sessions while the victim would have to travel to the High Court to pursue an appeal against acquittal under Section 378(4) Cr.P.C. The situation would also lead to conflicting views as the same case is dealt with by two different appellate forums.

23. In *Celestium Financial (supra)*, the Hon'ble Supreme Court has held that the right of the victim to prefer an appeal against acquittal is at par with the right of the accused to prefer one against his conviction under Section 374 Cr.P.C. In fact, the same has been



construed as a fundamental right within the scope of Article 14 and 21 of the Constitution of India. Moreover, taking this approach would assist in the cases being decided expeditiously which is imperative to further the cause of justice. Further still, swift resolution not only bolsters public confidence in the justice administration mechanism but also reduces burden on Courts.

CONCLUSION

24. This Court is clogged with thousands of cases filed under Section 378(4) of the Cr.P.C. seeking leave to appeal against judgments of acquittal. Today itself 10 cases involving a leave to appeal, out of 43 listed in the motion list, were put forth before this Bench. One of them pertains to the year 2016, however, arguments have not been addressed till date. In fact, a majority of these cases pertaining to acquittal of the accused emanate from complaints filed under Section 138 of the NI Act and correspond to disputes involving comparatively lesser amounts. While every case is important to the bar and the bench, more often than not, these cases are not taken up for years due to the heavy pendency where matters pertaining to life and liberty as well as criminal appeals and revisions take precedence due to their urgent nature and relatively higher stakes.

25. In allowing the victim to file an appeal before the Court of Sessions, without the need to obtain a special leave, the Hon'ble



Supreme Court has given a glimmer of hope to the many litigants who are in an endless wait, of being heard and their cases being decided in reasonable dispatch. Moreover, it would be justifiable to say that the approach taken is rooted in pragmatism, as it acknowledges the real life experience of the litigants with an aim to make it less vexatious.

26. Needless to say, in the future, an appeal by the victim against acquittal or the quantum of sentence awarded to the accused shall lie only before the Court of Sessions in both State cases and cases emanating from private complaints.

RELIEF

27. The present case pertains to the year 2017 and the amount involved is Rs.5,80,000/-. A bare perusal of the proviso to Section 372 of the Cr.P.C. indicates that the victim of the crime has a right to prefer an appeal against the acquittal or conviction of the accused for lesser offence notwithstanding the pre-existing right of a complainant to prefer an appeal against acquittal under Section 378(4) of the Cr.P.C. Thus, the language used in the proviso to Section 372 of the Cr.P.C. is clear and requires to be understood in the sense which best harmonizes the very object of the enactment that the legislature had in view. As such, the right to prefer an appeal against acquittal under Section 372 of the Cr.P.C. by the victim would be governed by the aforesaid provision itself. Consequently, the victim is not required to



seek a leave to appeal under Section 378(4) of the Cr.P.C. before this Court if such an appeal against acquittal is filed before the Court of Sessions under Section 372 of the Cr.P.C.

28. In conclusion, this Court, being an interpreter of law, is duty bound to harmonise contrasting provisions in a manner that best serves the interest of justice, using the method of *librere cherche scientifique* i.e. free scientific research. Therefore, in view of the judgment rendered by the Hon'ble Supreme Court in ***Celestium Financial (supra)*** and the fact that the present application for leave to appeal is pending since 2018, learned Sessions Judge, Mansa is directed to treat the present application/appeal as filed under Section 372 of the Cr.P.C. and entrust the same to appropriate Court for its disposal.

29. The Registry is directed to send the complete paperbook and the record of the case to the learned Sessions Judge, Mansa forthwith.

30. Disposed of accordingly.

31. Pending miscellaneous applications, if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

02.07.2025

Ajay Goswami

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