



CRM-A-1691-MA-2014
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1691-MA-2014
DECIDED ON: 31.07.2025

BALRAM

...APPLICANT/APPELLANT

Versus

ANIL KUMAR AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ravinder Bangar, Advocate
for the appellant. (through Video Conferencing)

None for respondent No. 1

Mr. Sushil Bhardwaj, Addl. A.G. Haryana

SANDEEP MOUDGIL, 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 04.10.2011 passed by the learned Special Magistrate Kurukshetra in a case stemming from Case No. 425 of 2011 filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

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 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.

- 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, Kurukshetra with a direction to treat the same as filed under Section 372 of the Cr.P.C. and 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, Kurukshetra forthwith.
- 5. Disposed of accordingly.
- 6. Pending miscellaneous applications, if any, also stand disposed of.

31.07.2025
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

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Yes/No
Yes/No