



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

**CRM-A-2690-MA-2017**  
**Date of decision: 05.08.2025**

ROSHAN LAL VERMA

...Petitioner

VERSUS

M/S SUN MICRO IT SOLUTIONS PVT LTD ETC.

...Respondent

**CORAM: HON'BLE MR.JUSTICE SUBHAS MEHLA**

Present:        Mr. N.C.Kinra, Advocate and  
                     Ms. Apoorva Kinra, Advocate  
                     for the appellant.

                     Mr. Arjun Atri, Advocate  
                     for respondent No.1.

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**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 the judgment of acquittal dated 31.10.2017 passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Faridabad in a complaint case 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. 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 still, applying the doctrine of prospective overruling, 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, Faridabad 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, Faridabad forthwith.

5. Disposed of accordingly.

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

(SUBHAS MEHLA)  
JUDGE

05.08.2025  
Priyanka Thakur

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |