

CRM-A-351-MA-2015 (O&M),
CRM-A-233-MA-2015 (O&M) &
CRM-A-586-MA-2016 (O&M)

2025:PHHC:125990



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

217(3 cases)

**CRM-A-351-MA-2015 (O&M),
CRM-A-233-MA-2015 (O&M) &
CRM-A-586-MA-2016 (O&M)**
Date of decision: 12.09.2025

ANIL GUPTA

....Appellant

Versus

SAI INFRAPRO PRIVATE LIMITED AND ORS

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Prakriti Kashyap, Advocate for
Mr. Vivek Sethi, Advocate the applicant-appellant

Mr. Sarfarj Hussain, Advocate and
Mr. Vikas Raj Nautiyal, Advocate for respondents no. 1 & 2 in
CRM-A-351-MA-2015, CRM-A-233-MA-2015 &
CRM-A-586-MA-2015

AMAN CHAUDHARY, J. (ORAL)

1. The present applications have 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 16.12.2014 and 11.01.2016 passed by the learned Judicial Magistrate 1st Class, Gurugram in a complaint filed under Section 138, 141 & 142 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, 141 & 142 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-book and trial Court record, if received, along with the said order forthwith, while also informing the parties.

4. Photocopy of this order be placed on the files of other connected cases.

12.09.2025

Deepak Patwal

(AMAN CHAUDHARY)
JUDGE

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