



255-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-654-MA-2017 (O&M)
DECIDED ON: 05.08.2025

YOGENDER KUMAR

.....APPELLANT

VERSUS

RAM MILAN

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arun Dogra, Advocate
for the appellant.

SANDEEP MOUDGIL, J (ORAL)

CRM-11506-2017

This is an application under Section 5 of Limitation Act for condonation of delay of 33 days in filing the accompanied appeal.

For the reasons mentioned in the application, the same is allowed.

Delay of 33 days in filing the present appeal, is hereby condoned.

CRM-A-654-MA-2017

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 15.12.2016 passed by the learned Judicial Magistrate Ist Class, Chandigarh in a 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.

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, Chandigarh 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, Chandigarh forthwith.

5. Disposed of accordingly.

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

(SANDEEP MOUDGIL)
JUDGE

05.08.2025
Meenu

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