

CRM-A-97-MA-2014

2025:PHHC:11 5888



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

Sr. No.138

**CRM-A-97-MA-2014
Date of Decision: 28.08.2025**

DEV RAJ

....Appellant

Versus

M/S RAM DITTA MAL SAMEY SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

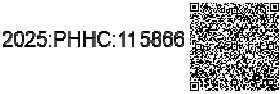
Present:- Ms. Vamika Johar, Advocate for
Mr. Pritam Singh, Advocate for the appellant.

Ms. Shikha Yadav, Advocate and
Mr. Bharat Pilania, Advocate for respondent.

SUBHAS MEHLA, J. (Oral)

The present application has been preferred under Section 378(4) of Cr.P.C. seeking grant of leave to appeal against the judgment of acquittal dated 12.12.2011 passed by the learned Judicial Magistrate 1st Class, Kurukshetra in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. Against the judgment of acquittal the appellant-complainant filed Criminal Appeal No.100087 of 2013 before the learned Additional Sessions Judge, Kurukshetra which was decided/dismissed on 02.12.2013 observing therein that complaint case under Section 138 of the Negotiable Instrument Act, 1881 against the judgment of acquittal is not maintainable in this Court and in fact the same is maintainable before the Hon'ble High Court in terms of Section 378(4) of the Code of Criminal Procedure, 1973.



3. However, 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.

4. 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 concerned with a direction to treat the same as filed under Section 372 of the Cr.P.C. and to dispose of by himself or entrust it to appropriate Court for its disposal.

5. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, concerned forthwith.

6. Disposed of accordingly.

28.08.2025
mahima

(SUBHAS MEHLA)
JUDGE

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