



CRM-A-553-2023 (O&M)

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

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**CRM-A-553-2023 (O&M)
Date of Decision: July 30, 2025**

Manjeet**.....Applicant(s)****Versus****State of Haryana and another****.....Non-applicant(s)/Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Karan Singh, Advocate,
for the applicant.

Mr. Kanwar Sanjeev Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

1. Applicant/complainant – Manjeet has filed the present application seeking grant of leave to appeal against the judgment of acquittal dated 10.02.2022, passed by learned Sub Divisional Judicial Magistrate, Narwana, in criminal case bearing No. 226-1 of 2016, CIS No. CHI/407/2016, dated 25.10.2016, arising out of FIR No. 40, dated 29.02.2016, under Sections 279, 337, 338 and 304-A, IPC, registered at Police Station: Uchana, titled as ‘State v. Suresh’, whereby respondent No. 2/accused – Suresh has been acquitted of the charges for commission of offences punishable under Sections 279, 337, 338 and 304-A IPC, levelled against him.

2. The aforementioned FIR was registered on the basis of statement of the applicant/complainant – Manjeet, with the allegation that his uncle, namely, Balwan was resident of Om Nagar, Amarheri Road, Jind. On 29.02.2016, his uncle Balwan, his son Vikram and one friend of Vikram, namely Joginder, were coming to Uchana on the motorcycle of Joginder, bearing registration No. HR-21C-0424, for fetching medicine for said Balwan. Applicant/complainant – Manjeet and his father Wazir Singh were also coming behind said persons, on his motorcycle Splendor. At about 10.00 o'clock, when they reached near Rajiv Gandhi College,



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Uchana, the tractor-trolley, which was being driven by respondent No. 2 / accused in a rash and negligent manner, and at a high speed, came from front side and hit the motorcycle of Joginder. As a result thereof, Joginder, Balwan and Vikram fell down and sustained severe injuries. They were rushed to Government Hospital, where Balwan, uncle of the applicant/complainant was declared dead, and two other injured persons, namely, Joginder and Vikram were referred to Government Hospital, Jind.

3. After investigation, respondent No. 2/accused was arrested and final report under Section 173 Cr.P.C. was presented in the Court. He was charge sheeted for commission of the offences punishable under Sections 279, 337, 338 and 304-A IPC, to which he pleaded not guilty and claimed trial.

4. After leading of evidence, learned Trial Court came to the conclusion that the testimonies of all the witnesses examined by the prosecution are not sufficient to prove guilt of the accused, and the prosecution has failed to prove its case beyond reasonable doubts against him. Resultantly, respondent No. 2/accused stands acquitted, vide impugned judgement dated 10.02.2022.

Feeling aggrieved, the applicant/complainant has approached this Court by filing the present proceedings.

5. It is suffice to notice that in the recent mandate of law laid down by Hon'ble the Apex Court, in the case of **M/s Celestium Financial v. A. Gnanasekaran etc.** [Criminal Appeal Nos. 1868-70 of 2025, decided on 08.04.2025, reported as 2025 (3) RCR (Criminal) 208 : Law Finder Doc Id # 2737710 : 2025 SCC OnLine SC 1320], their Lordships' have answered the issue in affirmative that whether an appeal would be maintainable under the proviso to Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023), against an order of acquittal passed in a case instituted upon a private complaint, by treating the complainant in such a proceeding as a 'victim' within the meaning ascribed to the term under Section 2(wa) of the Cr.P.-C.



6. After encapsulating in detail the provisions of Sections 2(d), (n) & (wa), 24, 200, 372, 377, 378, 386 of the Cr.P.C.; Sections 138, 139, 141, 142, 143 and 147 of the Negotiable Instruments Act, 1881; and the earlier view point of the Hon'ble Supreme Court taken in the case of **Mallikarjun Kodagali (dead) represented through Legal representative v. State of Karnataka, (2019) 2 SCC 752**, an ongoing debate whether the right of the victim to file an appeal against acquittal in a complaint case would fall under Section 372 or Section 378(4) of Cr.P.C., has been put to rest. Succinctly, in **Celestium Financial's case (supra)** it has been held that the 'victim' has a right to file an appeal under Section 372 of Cr.P.C. before the Court of Sessions.

7. It is apposite to mention here that the judgment in the case of **Celestium Financial (supra)** has been followed and relied upon by this Court in the case of **M/s Associated Road Carriers Limited v. Manjit Singh and others (CRM-A-885-MA-2013, decided on 07.07.2025)** as well as by a Co-ordinate Bench of this Court in the case of **Satish Kumar v. Jugal Kishor (CRM-A-2700-MA-2018, decided on 02.07.2025)**.

8. Having gone through the recent mandate of Hon'ble the Apex Court in **Celestium Financial's case (supra)**, and the view taken by this Court in the case of **M/s Associated Road Carriers Limited (supra)** as well as by a Co-ordinate Bench of this Court in the case of **Satish Kumar (supra)**, there exists no ground to take a different view in the present case.

9. Accordingly, the present application under Section 378(4) Cr.P.C. is disposed of by directing the learned Sessions Judge, Jind, to treat the present leave to appeal as an appeal filed under Section 372 of the Cr.P.C. and entrust the same to any appropriate Court to try the same. The concerned Court shall decide the appeal on merits as per law, as expeditiously as possible.

Since similar directions are being passed by this Court in number of cases, the concerned Appellate Court need not to adhere to the

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10. The Registry is directed to transmit this order alongwith copy of the complete paper-book of this case, as also return the record of the Trial Court, if received, to the learned Sessions Judge, Jind, forthwith.

12. Pending miscellaneous application(s), if any, also stands disposed of.

July 30, 2025
Pkapoor

<i>Whether speaking/reasoned</i>	Yes
Whether reportable	No