

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

266

CRM-A-467-2023 (O&M)

Decided on 30.07.2025

Ramesh Chander

... Applicant(s)

VS.

Rajnish Sharma

... Respondent(s)

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr.VB Godara, Advocate for the applicant(s)

Sandeep Moudgil, J.

CRM-17045-2023

For the reasons mentioned in the application, the same is allowed and the delay of 226 days in filing the present application is hereby condoned.

CRM stands disposed of.

Main case

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 31.05.2022 passed by the learned JMIC, Fatehabad in a case stemming from complaint dated 10.04.2018/01.05.2022 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, Fatehabad 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, Fatehabad forthwith.
- 5. Disposed of accordingly.
- 6. Pending miscellaneous applications, if any, also stand disposed of.

30.07.2025
V.Vishal

(Sandeep Moudgil)
Judge

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