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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-973-2019 (O&M)
DECIDED ON: 16.07.2025

M/S. ISHA FOOT-WEARS

…APPLICANT/APPELLANT

Versus

M/S. HARSH GENERAL STORE AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S.Mittal**,** Advocate for the appellant.

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SANDEEP MOUDGIL, J.(ORAL)

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 28.01.2019 passed by the learned JMIC, Sirsa, 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.

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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, Sirsa 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, Sirsa forthwith.

5. Disposed of accordingly.

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

(SANDEEP MOUDGIL)
JUDGE

16.07.2025
anuradha

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

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