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CRM-A-519-2022
Date of decision: 31.10.2025

M/S BHARDWAJ TRADING CO. ...APPLICANT

VERSUS

VINOD KUMAR SHARMA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Kashish Sahni, Advocate for
Mr. Reetkamal Handa, Advocate for the applicant/appellant.

SUBHAS MEHLA, J. (ORAL)

1. The present application seeking leave to appeal has been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter ‘Cr.P.C.’) against the judgment of acquittal dated 07.02.2022 passed by learned Judicial Magistrate 1st Class, Kurukshetra in a complaint case filed under Section 138/142 of the Negotiable Instruments Act, 1881 (hereinafter ‘NI Act’).

2. Learned counsel for the applicant/appellant submits that in the grounds of appeal, the judgment dated 07.09.2019 passed by the learned JMIC, Panipat, was inadvertently mentioned instead of the “judgment dated 07.02.2022 passed by the learned Judicial Magistrate 1st Class, Kurukshetra.” This appears to be a bona fide typographical error.

3. The Registry is directed to make necessary corrections and in the grounds of appeal, “judgment dated 07.09.2019 passed by Ld. JMIC, Panipat” shall be read as “judgment dated 07.02.2022 passed by learned Judicial



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Magistrate 1st Class, Kurukshetra.”

4. 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, 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.

5. 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/herself or entrust it to appropriate Court for its disposal.

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

7. Disposed of accordingly.

31.10.2025
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(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No