IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

238 CRM-A-666-2023 (O&M)
Date of Decision : 28.08.2025

MANDEEP @ MANDEEP SANGWAN …. APPLICANT

V/S

MANJEET @ MOTA …. RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

Present :- Mr. Keshav Pratap Singh, Advocate and
Mr. Ekteshwar Singh, Advocate
for the applicant.

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SUBHAS MEHLA, 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 against the judgment of acquittal dated 28.02.2023 passed by the learned Judicial Magistrate 1st Class, Karnal in a complaint 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. Reliance in this regard can also be placed on **Satish Kumar Versus Jugal Kishor** in **CRM-A-2700-**

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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** i**n SCC Online 819** has clarified that as a rule of thumb, judgments rendered shall be applicable retrospectively.

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 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.

4. Pending application (s), if any, shall be considered by the Court concerned after providing opportunity of hearing to the opposite party. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, concerned forthwith.

5. Disposed of accordingly.

(SUBHAS MEHLA)
JUDGE

28.08. 2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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