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

**CRM-A-692-2022 (O&M)
Date of Decision: 12.08.2025**

DHEERAJ BANSAL

..... Applicant

*Versus***STATE OF PUNJAB AND ANOTHER**

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Dr. Rau PS Girwar, Advocate with
Ms. Archana Arora Rau, Advocate
Ms. K. Trau, Advocate and
Mr. Ashish Sharma, Advocate
for the applicant.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition under Section 482 Cr.P.C has been instituted against the judgment dated 28.01.2021 vide which respondent No.2- Munish Garg was held guilty and convicted under Section 138 of Negotiable Instruments Act, 1881 but accused/respondent No.3-Megha Garg was acquitted of the notice of acquisition. Now lies the present application seeking grant of leave to appeal against the judgment of acquittal of accused Megha Garg passed in a complaint case instituted under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as, 'NI Act').

2. The limited question arising for consideration in the present proceedings is whether an appeal against an order of acquittal passed in a complaint case under Section 138 of the NI Act can be entertained under the proviso to Section 372 of the Cr.P.C. at the instance of the



complainant?

3. The issue is no longer *res integra*. In '***M/s Celestium Financial Vs. A. Gnanasekaran Etc. 2025 INSC 804: 2025(3) RCR (Criminal) 208***', the Hon'ble Supreme Court authoritatively held that a complainant in a prosecution under Section 138 of the NI Act, qualifies as a 'victim' under Section 2(wa) of the Cr.P.C., being the person who suffers financial loss due to the dishonour of a cheque. Consequently, such a complainant is entitled to pursue an appeal against acquittal under the proviso to Section 372 of the Cr.P.C., without the requirement of seeking special leave under Section 378(4) of the Cr.P.C.

4. Adopting a pragmatic and justice-oriented approach and guided by the principle that procedural rule must serve and not obstruct the course of justice, this Court deems it appropriate to direct that the present appeal be treated as one authoritatively instituted under the proviso to Section 372 of the Cr.P.C.

5. In view of the authoritative pronouncement in ***M/s Celestium Financial's case (supra)*** and the view taken by this Court also in ***CRM-A-1320-MA-2016*** titled as ***Rajat Deep Versus Prince*** disposed of on 21.07.2025, the present application is disposed of with a direction that the learned Sessions Judge concerned shall treat the present appeal as an appeal filed under the proviso to Section 372 of the Cr.P.C. and shall assign the same to the Court where the connected appeal instituted by M/s Mehar Chand Jewellers and accused Megha Garg is pending.

6. The concerned Appellate Court shall proceed to decide the appeal expeditiously, without being impeded by any delay in filing the appeal, in view of the legal position now clarified by the Hon'ble Apex



Court.

7. The Registry is directed to transmit this order along with copy of the complete paper book and return the trial Court record, if received, to the learned Sessions Judge.

8. Pending misc. application (s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

12.08.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No