



CRA-AS-313-2023

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

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CRA-AS-313-2023

Date of Decision : 29.10.2025

VIPAN KUMAR

.... APPELLANT

V/S

TAYAB HUSSAIN

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

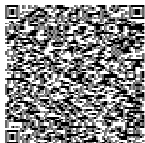
Present : Ms. Shanu, Advocate for
Mr.Namit Khurana, Advocate
for the appellant.

Mr. Ajay Chauhan, Advocate and
Mr. Diwan S.Adlakha, Advocate
For the respondent.

SUBHAS MEHLA, J. (Oral)

1. The present 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 08.02.2018 passed by the learned Judicial Magistrate 1st Class, Yamuna Nagar 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-



MA-2018 decided on 02.07.2025. 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.

3. Therefore, in view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present 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.
4. 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

29.10.2025
Anju

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No