

Date of decision: 15.09.2025

M/S SURAJ SECURITY SERVICE

...APPELLANT

V/S

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V/S

2. The present appeals have 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 judgments of acquittal dated 20.12.2019 passed by

learned Judicial Magistrate 1st Class, Faridabad in complaint cases filed under Section (s)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. Further still, applying the doctrine of prospective overruling, 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 appeals seeking leave to appeal are 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 them to appropriate Court for their disposal.

4. The Registry is directed to send the complete paper-books and the record of the cases to the learned Sessions Judge, concerned forthwith.

5. Disposed of accordingly.

6. A photocopy of this order be placed on the file of other connected case.

September 15, 2025
manisha

(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No