



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

226

CRM-A-1129-2024

Date of decision: 18.07.2025

RAJINDER KUMAR

...Applicant/Appellant

VERSUS

TWINKLE SINGH

...Respondents

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Serohi, Advocate for
Mr. Pankaj Nanhera, Advocate
for the applicant-appellant.

SANDEEP MOUDGIL, 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 the judgment of acquittal dated 04.07.2024 passed by the learned Sub Divisional Judicial Magistrate, Tohana, District Fatehabad in a case stemming from complaint dated 07.12.2018 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.

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, Fatehabad with a direction to treat the same as filed under Section 372 of the Cr.P.C. and 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, Fatehabad forthwith.
- 5. Disposed of accordingly.
- 6. Pending miscellaneous applications, if any, also stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

18.07.2025
Nisha Yadav

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No