

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-A-2363-2019 (O&M)

Decided on 30.07.2025

The Punjab State Coop. Supply & Marketing Fed. Ltd. ... Applicant(s)

VS.

M/s Kapoor Rice and General Mills & Anr.

... Respondent(s)

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Tarun Vir Singh Lehal, Advocate for the applicant(s)

Mr. Mukand Gupta, Advocate for respondents No.1&2

Sandeep Moudgil, J.

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 18.12.2018 passed by the learned JMIC, Moga in a case stemming from complaint dated 13.05.2014 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, Moga 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, Moga forthwith.
- 5. Disposed of accordingly.
- 6. Pending miscellaneous applications, if any, also stand disposed of.

30.07.2025
V.Vishal

(Sandeep Moudgil)
Judge

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*