



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

246

CRM-A-1522-2024 (O&M)
Date of decision: 02.09.2025

Sher Singh

....applicant-appellant

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sushil K. Sharma, Advocate for the applicant-appellant

AMAN CHAUDHARY, 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 against the order of dismissed the complaint in default dated 31.08.2024 passed by the learned Sub Divisional Judicial Magistrate, Kalka, in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. Hon'ble the Supreme Court in **M/s Celestium Financial vs. A. Gnanasekaran Etc.**, 2025 SCC OnLine 1320, held that an appeal is maintainable under the proviso of Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023) against an order of acquittal passed in a complaint under Section 138 NI Act, by treating the complainant therein, as a 'victim' within the meaning under Section 2 (wa) of Cr.P.C, in view of which, the present appeal is disposed of by directing the concerned Sessions Judge, for treating it to have been filed under Section 372 of Cr.P.C. and assigning the same to the Court concerned for deciding it.

3. Registry is directed to send the complete paper-book and trial Court record, if received, along with the said order forthwith, while also informing the parties.

02.09.2025

M.Kamra

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No