IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226 CRA-AS-52-2017 (O&M)
Decided on : 31.10.2025

Indian National Cooperative (N.A.) Thrift and Credit Society Limited Hissar
. . . Applicant-appellant

Versus

Rajinder Parsad . . . Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Arvind K. Bangar, Advocate for the applicant/appellant.

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AMAN CHAUDHARY, 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 31.01.2012 passed by the learned Judicial Magistrate 1st Class, Hisar, 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.

(AMAN CHAUDHARY)
JUDGE

October 31, 2025
Vishal Vardhan

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

VISHAL VARDHAN
2025.10.29 02:11
I attest to the accuracy and
integrity of this document