



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(255)

CRM-A-2737-MA-2018(O&M)
DATE OF DECISION: 02.12.2025

Ms. Farm Ma Jagdamba Paint, MahendergarhApplicant

VERSUS

Yogender Kumar JoshiRespondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Shashikant Gupta, Advocate, (through VC)
for the applicant

Mr. P.S.Chauhan, Advocate,
and Ms. Monika Dalla, Advocate,
for the respondent.

SUBHAS MEHLA, 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 judgment of acquittal dated 23.08.2018 passed by learned Judicial Magistrate Ist Class, Mahendergarh, in a complaint case 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. Reliance in this regard can also be placed on *Satish Kumar Versus Jugal Kishor* in *CRM-A-2700-MA-2018*



of Revenue Intelligence Vs. Raj Kumar Arora in 2025 INSC 498; 2025

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 application seeking leave to appeal is 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 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 concerned forthwith.

5. Disposed of accordingly.

02.12.2025
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No