



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

255-1

CRA-AS-395-2024 (O&M)**Decided on: 18.11.2025****KARAMJEET KAUR****.....Applicant/Appellant****Versus****DAYA WANTI****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Ms. Gurnam Kaur Turka, Advocate
for the applicant-appellant.

SUBHAS MEHLA, J. (Oral)

1. The present appeal has been filed against the judgment of acquittal dated 30.11.2019 passed by learned Judicial Magistrate Ist Class, Rajpura 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* decided on 02.07.2025. Further, the Hon'ble Supreme Court in *Directorate 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.

(SUBHAS MEHLA)
JUDGE

18.11.2025
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO