



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

CRM-A-1030-MA-2017
Date of Decision:18.03.2026

Manoj Kumar

...Petitioner

Versus

Nirmal Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Rajesh Kumar Bhagal, Advocate
for the petitioner.

Mr. Abhishek Bansal, Advocate
for the respondent.

AARADHNA SAWHNEY, J. (ORAL)

1. The applicant has filed the present application seeking grant of leave to appeal against the judgment of acquittal dated 08.03.2017 passed by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri in a case stemming from complaint dated 06.11.2012 filed under Sections 323/504/506/120B/166/167 IPC read with Sections 3 and 4 of the SC & ST (Prevention of Atrocities) Act, 1989, Police Station Jathlana, Distt. Yamuna Nagar.

2. The limited question arising for consideration in the present proceedings is whether an appeal against an order of acquittal passed in a complaint case can be entertained under the proviso to Section 372 of the Cr.P.C. at the instance of the complainant?

3. The issue is no longer res integra. In '*M/s Celestium Financial Vs. A. Gnanasekaran Etc. 2025 INSC 804: 2025(3) RCR (Criminal) 208*', the Hon'ble Supreme Court authoritatively held that a complainant in a prosecution

under Section 138 of the NI Act, qualifies as a ‘victim’ under Section 2(wa) of the Cr.P.C., being the person who suffers financial loss due to the dishonour of a cheque. Consequently, such a complainant is entitled to pursue an appeal against acquittal under the proviso to Section 372 of the Cr.P.C., without the requirement of seeking special leave under Section 378(4) of the Cr.P.C.

4. Adopting a pragmatic and justice oriented approach and guided by the principle that procedural rule must serve and not obstruct the course of justice, this Court deems it appropriate to direct that the present appeal be treated as one authoritatively instituted under the proviso to Section 372 of the Cr.P.C.

5. 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 concerned learned Sessions Judge with a direction to treat the same as appeal filed under Section 372 of the Cr.P.C. Learned Sessions Judge may retain the said appeal on his/her Board or assign it to some other Court of competent jurisdiction.

6. The Registry is directed to transmit this order along with copy of the complete paper-book and return the trial Court record, if received, to the learned Sessions Judge, concerned.

7. Disposed of accordingly.

8. Pending application, if any, also stands disposed of.

18.03.2026

Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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