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

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CRM-A-283-MA-2018(O&M)
Date of decision : 18.05.2026

Jagmal @ Jagram

... Applicant

Versus

Ved Ram and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Saurabh Kaundal, Advocate for
Mr. H.R.Bhardwaj, Advocate for the applicant/appellant.

H.S. Grewal, J.(Oral)

1. The present application has been preferred under Section 378(4) Cr.P.C. seeking grant of leave to appeal of the judgment of acquittal dated 30.01.2015 passed by the learned Sub Divisional Judicial Magistrate, Kosli in the complaint case No. 17/RT/2008/2013 filed under Sections 420,466,468,120-B IPC.

2. Brief facts of the case are that the brother of the complainant, namely Matadeen, took land bearing Khewat No. 9, Khatoni No. 13, measuring 35 Kanal 8 Marla, situated within the revenue estate of village Jakhala/Siwana, Tehsil Kosli, on chakota basis for cultivation from one Iswari Devi and others. An application was submitted before the A.C. 2nd Grade for entering his name in the Khasra Girdawari. Pursuant thereto, the A.C. 2nd Grade conducted site inspection of the suit land on 05.04.1968 and obtained signatures/thumb impressions of the complainant and other villagers. An entry in this regard was also recorded in the Wakyati Roznamcha and Karyawahi Kaargujari of the Halqa Patwari in the year 1968. Thereafter, vide order dated 17.03.1979, entries relating to the suit property were made in favour of both the brothers

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and corresponding entry was incorporated in the Wakyati Roznamcha on the same date. Since 1968, Matadeen has been in cultivating possession of the suit property. It is further alleged that Parkash son of Bhola Ram, Naresh Kumar son of Suraj Bhan, Attar Singh son of Ganpat and Surender Singh son of Jagmal Singh intended to grab the suit land and cause wrongful loss to the complainant while securing wrongful gain for themselves. They were allegedly in collusion with Halqa Patwari Ved Ram of area Gugod. One Krishan Kumar, who was working as an assistant with Patwari Ved Ram and was related to Parkash, also joined hands with them. In connivance with each other, they allegedly misplaced the official record, namely the “Wakyati Roznamcha” and “Karyawahi Kaargujari”. Thereafter, the complainant submitted applications before the Deputy Commissioner, Rewari seeking certified copies of the aforesaid documents and tracing of the missing record, but no action was taken. Consequently, on 07.02.2007, the complainant submitted a representation before the Chief Secretary, Haryana Government, Chandigarh. Pursuant thereto, the SDO (Civil), Kosli submitted a report dated 30.07.2007 to the Deputy Commissioner, Rewari, which was forwarded vide letter No. 451/Steno dated 29.08.2007. As per the said report, Ved Ram and Krishan Kumar son of Surjeet had misplaced the record in connivance with each other. It is further averred that the complainant instituted a civil suit seeking declaration of Hakuk Marusi rights, however, the relief could not be granted as the aforesaid record was not produced before the Civil Court owing to its disappearance. Consequently, the civil suit came to be dismissed, thereby causing irreparable loss to the complainant.



3. I have heard learned counsel for the applicant and have perused the material available on record.

4. Before proceeding to hear the application (for grant of leave to appeal)/appeal, it is important to decide whether the right of the victim to file an appeal against acquittal in a complaint case would fall under Section 372 or Section 378(4) of Cr.P.C.

5. Hon'ble the Supreme Court in *M/s Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, had laid comprehensive interpretation of Sections 372 and 378(4) of Cr.P.C. and had concluded that the victim has a right to file an appeal under Section 372 of Cr.P.C. before the Court of Sessions. The relevant extract thereof is reproduced hereunder:-

"7.12 xxxxxxxx

Secondly, the right of a victim of a crime must be placed on par with the right of an accused who has suffered a conviction, who, as a matter of right can prefer an appeal under Section 374 of the CrPC. A person convicted of a crime has the right to prefer an appeal under Section 374 as a matter of right and not being subjected to any conditions. Similarly, a victim of a crime, whatever be the nature of the crime, unconditionally must have a right to prefer an appeal.

Thirdly, it is for this reason that the Parliament thought it fit to insert the proviso to sub-section 372 without mandating any condition precedent to be fulfilled by the victim of an offence, which expression also includes the legal representatives of a deceased victim who can prefer an appeal.

On the contrary, as against an order of acquittal, the State, through the Public Prosecutor can prefer an appeal even if the complainant does not prefer such an appeal, though of course such an appeal is with the leave of the court. However, it is not always necessary for the State or a complainant to prefer an



appeal. But when it comes to a victim's right to prefer an appeal, the insistence on seeking special leave to appeal from the High Court under Section 378(4) of the CrPC would be contrary to what has been intended by the Parliament by insertion of the proviso to Section 372 of the Cr.P.C.

Fourthly, the Parliament has not amended Section 378 to circumscribe the victim's right to prefer an appeal just as it has with regard to a complainant or the State filing an appeal. On the other hand, the Parliament has inserted the proviso to Section 372 so as to envisage a superior right for the victim of an offence to prefer an appeal on the grounds mentioned therein as compared to a complainant.

Fifthly, the involvement of the State in respect of an offence under Section 138 of the Act is conspicuous by its absence. This is because the complaint filed under that provision is in the nature of a private complaint as per Section 200 of the Cr.P.C. and Section 143 of the Act by an express intention incorporates the provisions of the Cr.P.C. in the matter of trial of such a deemed offence tried as a criminal offence. Therefore, the complainant, who is the victim of a dishonour of cheque must be construed to be victim in terms of the proviso to Section 372 read with the definition of victim under Section 2(wa) of the Cr.P.C.

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10. As already noted, the proviso to Section 372 of the Cr.P.C. was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the Cr.P.C., irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the Cr.P.C. "



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6. In view of the judgment passed by the Hon'ble Supreme Court in **Celestium Financial** (supra) which has been followed by this Court in **CRM-A-886-MA-2015**, tilted as '**Rajesh Kumar versus M/s Success Enterprises and another**', decided on 08.07.2025 and similar view taken by the Coordinate Bench of this Court in **CRM-A-2700-MA-2018**, tilted as '**Satish Kumar vs. Jugal Kishor**' decided on 02.07.2025, the present application seeking leave to appeal is, hereby, disposed of with the direction to the learned Sessions Judge, Rewari to treat the present leave to appeal as an appeal filed under Section 372 of Cr.P.C along with application for condonation of delay and entrust the same to appropriate Court for its disposal.
7. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Rewari forthwith.

18.05.2026
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(H.S.GREWAL)
JUDGE

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