

**CRM-A- 817-MA-2017(O&M) 1****228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-A- 817-MA-2017(O&M)**Date of Decision : 15 .01.2026**

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.....Applicant

VERSUS

Rohtash and others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. S.K.Yadav, Advocate for the applicant

Mr.Mukesh Yadav, Advocate for respondents No. 1 to 6

MANDEEP PANNU J. (Oral)

1. The applicant has filed the present application seeking grant of leave to appeal against the judgment of acquittal passed in a complaint case instituted under Sections 323, 325 read with Section 34 of IPC, whereby the complaint filed by the applicant was dismissed and the accused were acquitted.

2. The limited question which arises for consideration in the present proceedings is with regard to the maintainability of an appeal against an order of acquittal passed in a complaint case and, more particularly, as to whether such an appeal can be entertained under proviso to Section 372 of the Code of Criminal Procedure at the instance of the complainant.

3. This Court has carefully considered the statutory scheme as contained in Sections 2(wa), 372 and 378 of the Cr.P.C. as also the object sought to be achieved by insertion of the proviso to Section 372

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Cr.P.C. The said proviso confers a substantive right of appeal upon a “victim”, as defined under Section 2(wa) Cr.P.C., against an order of acquittal, conviction for a lesser offence or imposition of inadequate compensation.

4. The issue is no longer res integra. The Hon’ble Supreme Court in **M/s Celestium Financial v. A. Gnanasekaran, reported as 2025 INSC 804 : 2025(3) RCR (Criminal) 208**, has authoritatively held that a complainant in a prosecution under Section 138 of the Negotiable Instruments Act, 1881 qualifies as a “victim” within the meaning of Section 2(wa) Cr.P.C., being the person who suffers financial loss on account of dishonour of cheque. It has further been held that such a complainant is entitled to maintain an appeal against acquittal under the proviso to Section 372 Cr.P.C. and that there is no requirement of seeking special leave to appeal under Section 378(4) Cr.P.C.

5. Applying the aforesaid legal position to the facts of the present case, this Court finds that the applicant, being the complainant and having suffered loss on account of the alleged offence, squarely falls within the definition of “victim” under Section 2(wa) Cr.P.C. Consequently, the right to prefer an appeal against acquittal under the proviso to Section 372 Cr.P.C. stands vested in the applicant.

6. In view of the authoritative pronouncement of the Hon’ble Supreme Court in **M/s Celestium Financial’s case (supra)** and reiterating the legal position that a complainant-victim is entitled to maintain an appeal against acquittal under the proviso to Section

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372 Cr.P.C. without seeking leave under Section 378(4) Cr.P.C., this Court deems it appropriate to treat the present application as an appeal instituted under the proviso to Section 372 of the Cr.P.C.

7. Accordingly, the present application is disposed of with a direction that the learned Sessions Judge concerned shall treat the present appeal as one filed under the proviso to Section 372 Cr.P.C. or assign the same to the appropriate Court for decision on merits, in accordance with law. The appellate Court shall proceed to decide the appeal expeditiously and shall not be influenced by any delay in filing the appeal, keeping in view the legal position now conclusively settled by the Hon'ble Apex Court.

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

9. Pending application(s), if any, is/are disposed of.

January 15, 2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No