



CRM-A-731-2022 (O&M)

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

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CRM-A-731-2022 (O&M)

Decided on: 12.02.2026

KASHMIR**.....Applicant/Appellant****Versus****SURENDER MALIK****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Hari Om Sharma, Advocate and
Mr. Jasvinder Rao, Advocate
for the applicant-appellant.

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 01.02.2020 passed by learned Judicial Magistrate Ist Class, Jind 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

12.02.2026

Sonia Puri

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