

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

265/2

CRM-A-833-2025 (O&M)

Date of Decision:14.01.2026

Dharamchand

....Appellant

Versus

Krishan

.....Respondent

2)

CRM-A-859-2025 (O&M)

Somvir @ Sombir Singh

....Appellant

Versus

Krishan

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajesh K. Dhankhar, Advocate, for the applicants.

AMAN CHAUDHARY, J. (Oral)

1. Both the applications have been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking grant of leave to appeals against the judgment of acquittal dated 17.03.2025 passed by the learned Sub-Divisional Judicial Magistrate, Loharu, in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. Hon'ble the Supreme Court in **M/s Celestium Financial vs. A. Gnanasekaran Etc.**, 2025 SCC OnLine 1320, held that an appeal is maintainable under the proviso of Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023) against an order of acquittal passed in a complaint under Section 138 NI Act, by treating the complainant therein, as a 'victim' within

CRM-A-833-2025 (O&M) and
CRM-A-859-2025 (O&M)
the meaning under Section 2 (wa) of Cr.P.C, in view of which, the present
applications are disposed of by directing the concerned Sessions Judge, for
treating it to have been filed under Section 372 of Cr.P.C. and assigning the
same to the Court concerned for deciding them.

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3. Registry is directed to send the complete paper-book and trial
Court record, if received, along with the said order forthwith, while also
informing the parties.
4. A copy of this order be placed on the other connected case file.

(AMAN CHAUDHARY)
JUDGE

January 14, 2026

dinesh Whether speaking : Yes/No
 Whether reportable : Yes/No