

2026:PHHC:077747



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

239

CRA-AS-165-2015

Date of Decision: 18.05.2026

SURESH KUMAR

... Petitioner

VERSUS

DALJEET KAUR

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY.

Present: None.

AMAN CHAUDHARY, J. (ORAL)

1. The present appeal has been filed against the judgment of acquittal dated 28.01.2015 passed by the learned Judicial Magistrate 1st Class, Anandpur Sahib 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 the meaning under Section 2 (wa) of Cr.P.C, in view of which, the present appeal is 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 of competent jurisdiction for deciding it in accordance with law.

3. Registry is directed to send the complete paper-book and trial Court record, if received, along with the instant order forthwith, while also informing the parties and their counsel as well.

MAY 18, 2026.
Rajender

(AMAN CHAUDHARY)
JUDGE

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