

S. No.113

2026:PHHC:013930



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1981 of 2018

Date of Decision:29.01.2026

Sardar Masih

.....Petitioner

Vs.

Rajesh Kumar

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Yashvir Singh Rathor, J. (Oral)

1. This petition is directed against the judgment dated 15.03.2018 passed by the Court of Additional Sessions Judge, Gurdaspur vide which the Appellate Court set aside the order dated 21.03.2017 passed by trial Magistrate vide which complaint had been dismissed on account of non appearance of the complainant and the complaint was ordered to be restored and disposed of in accordance with law.

2. When the afore-said revision petition was instituted, notice was issued while relying upon a Full Bench judgment of this Court in 2013(2) R.C.R (Criminal) 1005 – **Tata Steel Ltd. Vs. M/s Atma Tube Products Ltd and others**, according to which appeal against acquittal in a complaint case could have been filed before High Court under Section 378(4) Cr.P.C.

3. However, learned counsel for petitioner has fairly admitted that now as per law laid down by the Hon'ble Supreme Court in 2025(3) RCR (Criminal) 208 – **M/s Celestium Financial Vs. A. Gnanasekaran etc.**, appeal against the order passed by the Magistrate in a complaint case vide which accused is acquitted lies to the Court of Sessions under proviso to Section 372 as



complainant qualifies as a `victim' under Section 2(wa) of the Cr.P.C, being the person who suffers financial loss due to dishonour of cheque. It has been further held that such a complainant is entitled to pursue an appeal against acquittal under the proviso to Section 372 of the Cr.P.C., without the requirement of seeking special leave under Section 378(4) of Cr.P.C.

4. By way of impugned judgment dated 15.03.2018, learned Appellate Court had set aside the order dated 21.03.2017 passed by the learned Magistrate vide which complaint was dismissed on account of non appearance of complainant and accused was acquitted and the matter was remanded for a decision afresh. As such, in view of latest pronouncement in **M/s Celestium Financial's case (supra)**, no further action is called for in the present revision petition in view of change of law and the revision in hand is accordingly ordered to be dismissed.

(Yashvir Singh Rathor)
Judge

January 29, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No