



287 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 16.03.2026

1. CRM-A-229-MA-2018 (O & M)

MADHU DEVI

...APPLICANT

V/S

SATISH KUMAR

...RESPONDENT

2. CRM-A-474-MA-2018 (O & M)

MADHU DEVI

...APPLICANT

V/S

SATISH KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: None for the applicant(s).

Mr. Balraj Singh, Advocate for the respondent(s).

SUBHAS MEHLA, J. (ORAL)

1. This order shall dispose of both the above-mentioned applications as parties to the *lis* are same in both cases. For the sake of brevity, the facts are borrowed from ***CRM-A-229-MA-2018 (O & M)*** titled as ***Madhu Devi vs. Satish Kumar***.

2. The present applications have 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 judgments of acquittal dated 30.08.2017 passed by learned Judicial Magistrate 1st Class, Jhajjar, Haryana in complaint cases filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act') and 420 of Indian Penal Code, 1860.

2. The Hon'ble Supreme Court in ***M/s Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208***, after considerable



**CRM-A-229-MA-2018 (O & M)
& 01 connected case**

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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 still, applying the doctrine of prospective overruling, 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 applicationS seeking leave to appeal are 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 them to appropriate Court for their disposal.

4. The applications for condonation of delay shall be decided by the appellate Court, after providing opportunity of hearing to the opposite party.

5. The Registry is directed to send the complete paper-books and the record of the cases to the learned Sessions Judge concerned forthwith.

6. Disposed of accordingly.

7. A photocopy of this order be placed on the file of other connected case.

March 16, 2026
manisha

(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No