



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

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**CRM-A-688-MA-2012(O&M)  
Date of Decision: 24.09.2025**

**KISSAN TRADERS AND ORS**

....Appellants

**VERSUS**

**ASHOK KUMAR AND ANR**

....Respondents

**CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Randeep Singh, Advocate for  
Mr. Gaurav Sethi, Advocate for the appellants.

Mr. Abhimanyu Kalsy, Advocate for  
Mr. A.K. Kalsay for the respondent no.1

Mr. Neeraj Madaan, Sr. DAG, Punjab for respondent no.2.

**SANJAY VASHISTH, J. (Oral)**

1. Mr. Randeep Singh, Advocate for Mr. Gaurav Sethi, Advocate for the appellants prays for an adjournment as the concerned counsel is not available today. Last time also, proceedings were deferred on account of the same reason. Request is declined.

2. For a cheque No.40227 dated 16.10.2005, amounting Rs.2,40,000/- and on bouncing of the same, respondent no.1-Ashok Kumar was convicted and sentenced vide judgment of conviction dated 18.11.2008 and order of sentence dated 25.11.2008 passed by the Additional Chief Judicial Magistrate, Patiala (trial Court) for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881. In the appeal filed by respondent no.1-Ashok Kumar, while reversing the finding of conviction, he was acquitted of the charges



vide judgment dated 20.03.2012, passed by Additional Sessions Judge, Fast Track Court, Patiala.

3. The instant application CRM-A-688-MA-2012 has been instituted by the complainant for seeking Special Leave to Appeal. Under Section 378(4) of Cr.P.C. (Section 419 of BNSS, 2023). There is provision of filing appeal against acquittal subject to the grant of Special Leave to Appeal and except of the said provision, there is no other provision either in Cr.P.C or BNSS, 2023 of filing any appeal or the second appeal after the appreciation of the evidence twice done by the Court of law.

Once the law does not provide any provision for filing appeal again after being convicted, to the view point of this Court, no such application filed by the complainant is maintainable before this Court. Such view is based upon the analogy that in the criminal complaint (other than police case) appreciation of the evidence once done, before the trial Court and in case of conviction, it would be only the convict, whose rights are to be secured by granting him an opportunity to assail the finding for which he has been held guilty.

4. Once convict avails the opportunity, it is upon the Court to re-appreciate the evidence that had already been led before the Trial Court and if the finding is reversed by Appellate Court, while exercising its appellate jurisdiction, no other opportunity would be available with the complainant claiming it as a right of his first appeal



against acquittal. Moreover, there is no such provision in Cr.P.C. or even in BNSS, 2023. On the other hand, we do find such a provision where disputes can be decided under the civil law i.e. Civil Procedure Code. In case, there is any illegality in the findings recorded by the Appellate Court, to the firm opinion of this Court, same can be examined by exercising the revisional jurisdiction on its own or on pointing out the same, by the complainant.

5. Accordingly, finding no substance in the application being not governed by any provision also, same is hereby dismissed.

**(SANJAY VASHISTH)**  
**JUDGE**

**24.09.2025**

Deepak Patwal

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|-------------------------------------|---------------|
| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i>        | <i>Yes/No</i> |