



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

Date of decision: 23.09.2025

1.

CRM-A-2756-2019

SURINDER MOHAN

...APPLICANT

V/S

TEJBIR SINGH

...RESPONDENT

2.

CRM-A-2757-2019

SURINDER MOHAN

...APPLICANT

V/S

TEJBIR SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Ms. Vidushi Kumar, Advocate for
 Mr. Surya Kumar, Advocate
 for the applicant(s).

 Mr. J.S. Salana, Advocate and
 Ms. Harsimran Kaur, Advocate
 for the respondent(s).

SUBHAS MEHLA, J. (ORAL)

1. This order of mine shall dispose of both the aforementioned applications as facts to the *lis* are identical. For the sake of brevity, facts are borrowed from *CRM-A-2756-2019* titled as *Surinder Mohan vs. Tejbir Singh*.



**CRM-A-2756-2019 &
01 connected case**

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 judgment(s) of acquittal dated 09.10.2019 passed by learned Judicial Magistrate 1st Class, Rajpura in complaint cases filed under Section(s) 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

3. The Hon'ble Supreme Court in *M/s Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, after considerable 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 SCC Online 819* has clarified that as a rule of thumb, judgments rendered shall be applicable retrospectively.

4. 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.

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



**CRM-A-2756-2019 &
01 connected case**

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

September 23, 2025
manisha

(SUBHAS MEHLA)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |