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

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Date of Decision : 22.09.2025

RAMESH KUMAR AND ANOTHER

.... APPLICANTS

V/S

BALBIR SINGH

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Mr.Sandeep Punchhi, Advocate
for the applicants.

SUBHAS MEHLA, J. (Oral)

1. The present appeal has been preferred against the judgment of acquittal dated 23.02.2013 passed by the learned Judicial Magistrate 1st Class, Sirsa in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act'). The leave to appeal had been granted and appeal was admitted.

2. Initially, the case was decided vide judgment dated 20.09.2012 passed by the learned Judicial Magistrate 1st Class, Sirsa vide which accused was convicted and sentenced to undergo simple imprisonment for a period of 06 months and in addition, he was directed to pay the amount of dishonoured cheque as compensation to the complainant.

3. Feeling aggrieved, the accused has preferred an appeal against the judgment of conviction and order of sentence dated 20.09.2012 which was decided by the learned Additional Sessions Judge, Sirsa vide judgment dated 03.01.2013 whereby the appeal was remanded back to the learned trial Court with a direction to conduct the trial de-novo expeditiously since the complaint pertains to the year 2007 and the appeal was allowed. Thereafter,



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the learned Judicial Magistrate 1st Class, Sirsa vide impugned judgment dated 23.02.2013 acquitted the accused of the charges levelled against him.

4. 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.

5. Therefore, in view of the judgment rendered by the Apex Court in ***Celestium Financial (supra)***, the present application seeking leave to appeal is 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 it to appropriate Court for its disposal.

6. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, concerned forthwith.

7. Disposed of accordingly.

(SUBHAS MEHLA)
JUDGE

22.09.2025

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No