



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

**CRM-28199-2025 in/and  
CRM-A-563-2021  
Date of decision: 31.07.2025**

**DHEERAJ BANSAL**

**...APPLICANT**

**V/S**

**STATE OF PUNJAB AND ANOTHER**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. K.T. Rau, Advocate for the applicant.

Mr. Subhash Godara, Addl. A.G. Punjab.

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**HARPREET SINGH BRAR, J. (ORAL)**

**CRM-28199-2025**

This is an application filed under Section 447 of Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 for transfer of the appeal before  
Sessions Judge, Bathinda.

Allowed as prayed for.

Main case is ordered to be taken on board today itself.

**MAIN CASE**

1. The present application has been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking grant of leave to appeal the judgment of acquittal dated 28.01.2021 passed by learned Judicial Magistrate Ist Class, Bathinda in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').
2. The Hon'ble Supreme Court in *M/s Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) R.C.R. (Criminal) 208*, after considerable



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deliberation and comparative analysis 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 vs. 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 SCC OnLine SC 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 application seeking leave to appeal is remanded back to the learned Sessions Judge, Bathinda with a direction to treat the same as filed under Section 372 of the Cr.P.C. and entrust it to appropriate Court for its disposal.

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

5. Disposed of accordingly.

6. Pending miscellaneous applications, if any, also stand disposed of.

**(HARPREET SINGH BRAR)  
JUDGE**

**July 31, 2025**  
*manisha*

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