



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

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CRM-A-2467-2019 (O &amp; M)

Date of decision: 29.09.2025

RAJINDER TUTEJA

....Applicant

Versus

M/S SHARMA CONSTRUCTION

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.S.Matya, Advocate, for the applicant.

Mr. Rajiv Sharma, Advocate, for the respondent.

**AMAN CHAUDHARY, J. (ORAL)**

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 against the judgment of acquittal dated 11.09.2019 passed by learned JMIC, Gurugram in a complaint filed under Sections 138/142 of the NI Act.

2. Hon'ble the Supreme Court in **M/s Celestium Financial vs. A. Gnanasekaran Etc.**, 2025 SCC OnLine 1320, held that an appeal is maintainable under the proviso of Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023) against an order of acquittal passed in a complaint under Section 138 NI Act, by treating the complainant therein, as a 'victim' within the meaning under Section 2 (wa) of Cr.P.C, in view of which, the present appeal is disposed of by directing the concerned Sessions Judge, for treating it to have been filed under Section 372 of Cr.P.C. and assigning the same to the Court concerned for deciding it.

3. Registry is directed to send the complete paper-book and trial Court record, if received, along with the said order forthwith, while also informing the parties.

29.09.2025

parveen kumar

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

**(AMAN CHAUDHARY)  
JUDGE**