



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(125)

CRM-A-1474-MA-2014

Date of Decision : 03.09.2025

Prem Lata Mittal

...Applicant

Versus

Tilak Raj Gupta

...Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate for the applicant-appellant.

Mr. Shivdeep, Advocate for
Mr. Gurcharan Dass, Advocate for the respondent.

Subhas Mehla, J. (Oral)

1. The present application has been preferred under Section 378 (4) of the Code of Criminal Procedure, (referred to as 'Cr.P.C') seeking grant of leave to appeal against the judgment of acquittal dated 06.08.2014 passed by the learned Judicial Magistrate 1st Class, Ludhiana in a complaint case 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) 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.

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 concerned with a direction to treat the same as filed under Section 372 of the Cr.P.C. and to dispose of by herself or 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, concerned forthwith.

5. Pending miscellaneous application(s), if any, shall be disposed of accordingly by the concerned Court.

6. Disposed of accordingly.

September 03, 2025
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(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No