

2025:PHHC:094142



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

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CRM-A-139-MA-2014(O&M)  
Date of Decision : **July 28, 2025**

Gaurav Gupta

.....Appellant

**VERSUS**

Mayank Sharma

.....Respondent

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

Present : Ms. Sunita Devi, Advocate for the appellant.

Mr. Arun Gosain, Advocate for the respondent (through VC).

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**HARPREET SINGH BRAR, 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 the judgment of acquittal dated 11.01.2013 passed by the learned Judicial Magistrate 1<sup>st</sup> Class Gurgaon, in a complaint filed under Sections 138 and 142 of Negotiable Instruments Act.

2. The Hon'ble Supreme Court in *M/s. Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, after considerable 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 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, Gurugram 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 on merits.

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

5. Disposed of, accordingly.

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

**(HARPREET SINGH BRAR)**  
**JUDGE**

**July 28, 2025**

*P.C*

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No