



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

269

CRM-A-993-2025

Date of decision: 17.07.2025

M/s Gauri Sons Agro Overseas Pvt Ltd.

...Appellant

Versus

Irshad Khan

...Respondent

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

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Present : Mr. Sandeep Chhabra, Advocate  
for the appellant.

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**SANDEEP MOUDGIL, J.(ORAL)**

1. The present application has been preferred under Section 419(4) BNSS, 2023 (378(4) of Cr.P.C.) seeking grant of leave to appeal the judgment of acquittal dated 24.03.2025 passed by the learned Judicial Magistrate Ist Class, Faridabad, in a case stemming from complaint dated 05.08.2019 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.

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, Faridabad 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, Faridabad forthwith.

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

**(SANDEEP MOUDGIL)**  
**JUDGE**

**17.07.2025**

Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No