

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-A-732-MA-2016 (O&M)

Decided on 28.07.2025

Braham Prakash

... Applicant(s)

VS.

Mahesh

... Respondent(s)

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Lamba, Advocate for the applicant(s)

Sandeep Moudgil, J.

CRM-11690-2016

For the reasons mentioned in the application, the same is allowed and the delay of 636 days in filing the present application is hereby condoned.

CRM stands disposed of.

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 09.05.2014 passed by the learned JMIC, Gurgaon in a case stemming from complaint dated 29.10.2013 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, Gurgaon 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, Gurgaon forthwith.

5. Disposed of accordingly.

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

28.07.2025

V.Vishal

(Sandeep Moudgil)
Judge

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