



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

**CRM-31979-2025 in/and
CRM-A-2703-MA-2017
Date of decision: 29.08.2025**

Tarsem Chand

....Applicant.

Versus

Manjit Kaur Vashisht

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Aminder Singh, Advocate,
for the applicant.

.....

SANJIV BERRY, J.

CRM-31979-2025

1. Instant application has been preferred under Section 528 of BNSS for restoration of the main case, i.e. CRM-A-2703-MA-2017 which was dismissed for want of prosecution vide order dated 04.03.2025.

2. Heard.

3. Keeping in view the averments made in the application and in the interest of justice, application is allowed and the main petition, i.e. CRM-A-2703-MA-2017 which was dismissed for want of prosecution on 04.03.2025 is ordered to be restored to its original number and position.

4. Disposed of.



CRM-A-2703-MA-2017

Instant application under Section 378(4) of Cr.PC has been moved by the applicant seeking grant of leave to file the instant appeal against the judgment dated 10.10.2017 passed by the Court of Shri Jagbir Singh Mehndiratta, the then Judicial Magistrate Ist Class Sangrur, in case titled '*Tarsem Chand vs. Manjit Kaur Vashisth*', CNR No. PBSG03-002342/2016, whereby the complaint under Section 138 of the Negotiable Instruments Act filed by the applicant/complainant, namely Tarsem Chand, had been dismissed and the accused, namely Manjit Kaur Vashisht, was acquitted.

2. The primary question arising for consideration in the present case is as to whether an appeal would be maintainable under the provisions of Section 372 Cr.PC (corresponding Section 413 of BNSS, 2023) against an order of acquittal passed in a case instituted by a private complaint by treating the complainant in such a proceedings as a '*victim*' within the meaning ascribed to the term under Section 2(wa) of Cr. PC (corresponding Section 2(1) (y) of BNSS, 2023).

3. Learned counsel for the applicant is agreeable to the fact that the proposition on the subject has been settled by the Hon'ble Apex Court in the case of *M/s Celestium Financial vs. A. Gnanasekaran etc. {Criminal Appeal Nos. 1868-70 of 2025, decided on 08.04.2025, reported as 2025 (3) RCR (Criminal) 208: Law Finder DOC ID#2737710 : 2025 SCC Online SC 1320}*, wherein it has been



held that the victim has a right to file an appeal under Section 372 Cr.PC (corresponding Section 413 of BNSS, 2023) before the Court of Sessions.

4. Therefore, in the light of the latest pronouncement of the Apex Court in the case of *M/s Celestium Finaicial (supra)*, the applicant/complainant being the victim, in the said case within the meaning of Section 2(wa) of Cr.PC (corresponding Section 2(1) (y) of BNSS, 2023) has the right to file the appeal under Section 372 Cr. PC (corresponding Section 413 of BNSS, 2023) before the Court of Sessions.

5. Resultantly, the present application is disposed of by directing the learned Sessions Judge, Sangrur, to treat the present application for leave to appeal, as an appeal filed under Section 372 Cr. PC (corresponding Section 413 of BNSS, 2023) and to entrust the same to any appropriate Court to try the same. The concerned Court, hearing such appeal, shall decide the said appeal on its own merits as expeditiously as possible in accordance with the law and shall not adhere to the delay aspect, if any, involved in the case without referring to any question qua delay or limitation in filing of the appeal in any manner.

6. Registry is directed to transmit the copy of this order along with the copy of complete paper book and the record of the trial Court,



if any received, to the learned Sessions Judge, Sangrur, for necessary action.

7. Disposed of accordingly.

8. Pending miscellaneous application, if any, also stands disposed of.

(SANJIV BERRY)
JUDGE

29.08.2025

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i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No