



**CRM-A-885-MA-2013 (O&M)**

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

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**CRM-A-885-MA-2013  
Date of Decision: July 07, 2025**

**M/s Associated Road Carriers Limited**

**.....Applicant**

**Versus**

**Manjit Singh and others**

**.....Non-applicants/Respondents**

**CORAM: HON'BLE MR. JUSTICE [SANJAY VASHISTH](#)**

Present: Mr. Sanjeev Kumar, Advocate,  
for Mr. Arun Dogra, Advocate,  
for the applicant.

Mr. Ajay Ghangas, Advocate,  
for the non-applicants/respondents.

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**[SANJAY VASHISTH, J \(ORAL\)](#)**

1. Applicant – M/s Associated Road Carriers Limited has filed the present application under Section 378(4) Cr.P.C. (corresponding Section 419(4) of BNSS, 2023), seeking grant of leave to appeal against the judgment of acquittal dated 13.12.2011, passed by learned Judicial Magistrate, Ist Class, Faridabad, in Complaint Case No. 1931, instituted on 18.10.2002, under Sections 420, 406 and 120-B, IPC, titled as ‘M/s Associated Road Carriers Limited v. Manjit Singh and others’.

The applicant has also filed separate application under Sections 470(1) and 482 Cr.P.C. read with Section 5 of the Limitation Act, seeking condonation of delay of 603 days in approaching this Court. The reason for causing of such delay, as disclosed in the application is that the complainant/applicant initially filed Criminal Appeal No. 1, dated 06.01.2012, in the Court of Sessions Judge, Faridabad, against the judgment of acquittal, dated 13.12.2011, passed by learned Magistrate. However, the said appeal was withdrawn on 09.07.2013, in view of the



judgment of Hon'ble Apex Court in the case of **Subhash Chand v. State, 2013 (2) SCC 17**, with liberty to file an appeal before this Court.

2. Without delving into the factual matrix of the present case, it is suffice to notice that in the recent mandate of law laid down by Hon'ble the Apex Court, in the case of **M/s Celestium Financial v. 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]**, their Lordships' have answered the issue in affirmative that whether an appeal would be maintainable under the proviso to Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023), against an order of acquittal passed in a case instituted upon a private complaint, by treating the complainant in such a proceeding as a 'victim' within the meaning ascribed to the term under Section 2(wa) of the Cr.P.-C.

3. After encapsulating in detail the provisions of Sections 2(d), (n) & (wa), 24, 200, 372, 377, 378, 386 of the Cr.P.C.; Sections 138, 139, 141, 142, 143 and 147 of the Negotiable Instruments Act, 1881; and the earlier view point of the Hon'ble Supreme Court taken in the case of **Mallikarjun Kodagali (dead) represented through Legal representative v. State of Karnataka, (2019) 2 SCC 752**, an ongoing debate whether the right of the victim to file an appeal against acquittal in a complaint case would fall under Section 372 or Section 378(4) of Cr.P.C., has been put to rest. Succinctly, in **Celestium Financial's case (supra)** it has been held that the 'victim' has a right to file an appeal under Section 372 of Cr.P.C. before the Court of Sessions.



While drawing final conclusions, their Lordships' in **Celestium Financial's case (supra)** made certain pertinent observations in para Nos. 8 to 10 of the judgment, which are reproduced as under:-

***“8. The right to prefer an appeal is no doubt a statutory right and the right to prefer an appeal by an accused against a conviction is not merely a statutory right but can also be construed to be a fundamental right under Articles 14 and 21 of the Constitution. If that is so, then the right of a victim of an offence to prefer an appeal cannot be equated with the right of the State or the complainant to prefer an appeal. Hence, the statutory rigours for filing of an appeal by the State or by a complainant against an order of acquittal cannot be read into the proviso to Section 372 of the CrPC so as to restrict the right of a victim to file an appeal on the grounds mentioned therein, when none exists.***

***9. In the circumstances, we find that Section 138 of the Act being in the nature of a penal provision by a deeming fiction against an accused who is said to have committed an offence under the said provision, if acquitted, can be proceeded against by a victim of the said offence, namely, the person who is entitled to the proceeds of a cheque which has been dishonoured, in terms of the proviso to Section 372 of the CrPC, as a victim. As already noted, a victim of an offence could also be a complainant. In such a case, an appeal can be preferred either under the proviso to Section 372 or under Section 378 by such a victim. In the absence of the proviso to Section 372, a victim of an offence could not have filed an appeal as such, unless he was also a complainant, in which event he could maintain an appeal if special leave to appeal had been granted by the High Court and if no such special leave was granted then his appeal would not be maintainable at all. On the other hand, if the victim of an offence, who may or may not be the complainant, proceeds under the proviso to Section 372 of the CrPC, then in our view, such a victim need not seek special leave to appeal from the High Court. In other words, the victim of an offence would have the right to prefer an appeal, inter alia, against an order of acquittal in terms of the proviso to Section 372 without seeking any special leave to appeal from the High Court only on the grounds mentioned therein. A person who is a complainant under Section 200 of the CrPC who complains about the offence committed by a person who is charged as an accused under Section 138 of the Act, thus has the right to prefer an appeal as a victim under the proviso to Section 372 of the CrPC.***

***10. As already noted, the proviso to Section 372 of the CrPC was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be***



*realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the CrPC.”*  
*[emphasis added]*

4. It is apposite to mention here that the case of **Celestium Financial (supra)** pertains to the proceedings originated under the provisions of the Negotiable Instruments Act, 1881. While relying upon the judgment in **Celestium Financial’s case (supra)**, a Co-ordinate Bench of this Court in its judgment rendered in the case of **Satish Kumar v. Jugal Kishor** (CRM-A-2700-MA-2018, decided on 02.07.2025), further observed as under:-

“21. A perusal of Section 2(wa) of the Cr.P.C. would indicate that no distinction has been drawn between victims of a crime in a State case and a private complaint case. Therefore, the right to appeal vested in the victim under Section 372 of the Cr.P.C. is available to all victims alike as it too does not discriminate between the victim of a crime in a privately instituted complaint and the victim in a case emanating from an FIR registered by the jurisdictional police. Since Section 138 of the NI Act has been given a penal nature by the Legislature, the victim of such misdemeanor would be entitled to the same right, in spite of the fact that a private complaint is filed in this regard. Thus, the right of the victim under Section 372 Cr.P.C. cannot be limited to cases where criminal law machinery was set into motion by registration of an FIR only.

22. In a case instituted on a police report under Section 173 of the Cr.P.C, the victim has a right to challenge the acquittal of the accused before the Court of Sessions. On the other hand, the victims are compelled to travel long distances to the High Court and seek leave of the Court under Section 378(4) Cr.P.C. to pursue an appeal against acquittal in a private complaint case. It stands against reason to put the victim to such disadvantage. The inadvertent gap left by the legislature has caused hardship and inconvenience to the victim and creates an anomaly. Further, another incongruent situation arises when some of the accused are acquitted while some stand convicted in a privately instituted complaint case. The appeal against conviction, per Section 374 of the Cr.P.C.



*lies before the Court of Sessions while the victim would have to travel to the High Court to pursue an appeal against acquittal under Section 378(4) Cr.P.C. The situation would also lead to conflicting views as the same case is dealt with by two different appellate forums.*

23. *In **Celestium Financial (supra)**, the Hon'ble Supreme Court has held that the right of the victim to prefer an appeal against acquittal is at par with the right of the accused to prefer one against his conviction under Section 374 Cr.P.C. In fact, the same has been construed as a fundamental right within the scope of Article 14 and 21 of the Constitution of India. Moreover, taking this approach would assist in the cases being decided expeditiously which is imperative to further the cause of justice. Further still, swift resolution not only bolsters public confidence in the justice administration mechanism but also reduces burden on Courts."*

5. The Co-ordinate Bench of this Court also noticed that this Court (Punjab and Haryana High Court) is clogged with thousands of cases filed under Section 378(4) Cr.P.C., seeking leave to appeal against judgments of acquittal, wherein arguments have not been addressed till date. In fact, these cases are not taken up for years due to the heavy pendency where matters pertaining to life and liberty as well as criminal appeals and revisions take precedence due to their urgent nature and relatively higher stakes. Having considered this aspect, the Co-ordinate Bench in **Satish Kumar's case (supra)** concluded in para Nos. 25 to 28 as under:-

“25. *In allowing the victim to file an appeal before the Court of Sessions, without the need to obtain a special leave, the Hon'ble Supreme Court has given a glimmer of hope to the many litigants who are in an endless wait, of being heard and their cases being decided in reasonable dispatch. Moreover, it would be justifiable to say that the approach taken is rooted in pragmatism, as it acknowledges the real life experience of the litigants with an aim to make it less vexatious.*

26. *Needless to say, in the future, an appeal by the victim against acquittal or the quantum of sentence awarded to the accused shall lie only before the Court of Sessions in both State cases and cases emanating from private complaints."*

**RELIEF**

27. *The present case pertains to the year 2017 and the amount involved is Rs.5,80,000/-. A bare perusal of the proviso to Section 372 of the Cr.P.C. indicates that the victim of the crime has a right to prefer an appeal against the acquittal or conviction of the accused for lesser offence notwithstanding the pre-existing right of a complainant to prefer an appeal against acquittal under Section 378(4) of the Cr.P.C. Thus, the language used in the proviso to Section 372 of the Cr.P.C. is clear and requires to be understood in the sense which best harmonizes the very object of the enactment that the legislature had in view. As such, the right to prefer an appeal against acquittal under Section 372 of the Cr.P.C. by the victim would be governed by the aforesaid provision itself. Consequently, the victim is not required to seek a leave to appeal under Section 378(4) of the Cr.P.C. before this Court if such an appeal against acquittal is filed before the Court of Sessions under Section 372 of the Cr.P.C.*

28. *In conclusion, this Court, being an interpreter of law, is duty bound to harmonise contrasting provisions in a manner that best serves the interest of justice, using the method of *librere cherche scientifique* i.e. free scientific research. Therefore, in view of the judgment rendered by the Hon'ble Supreme Court in **Celestium Financial (supra)** and the fact that the present application for leave to appeal is pending since 2018, learned Sessions Judge, Mansa is directed to treat the present application/appeal as filed under Section 372 of the Cr.P.C. and entrust the same to appropriate Court for its disposal."*

Similar view has been followed and applied by the Co-ordinate Bench in another case titled as **Ajmer Kundu (deceased) through LRs v. Pardeep Sharma (CRM-A-481-2022, decided on 02.07.2025)**.

6. Having gone through the recent mandate of the Hon'ble Apex Court in **Celestium Financial's case (supra)** and the judgment of the Co-ordinate Bench in **Satish Kumar's case (supra)**, this Court does not find any ground to take a different view in the present case.

7. Accordingly, the present application under Section 378(4) Cr.P.C. is disposed of by directing the learned Sessions Judge, Faridabad, to restore **Criminal Appeal No. 1, dated 06.01.2012, titled as 'M/s Associated Road Carriers Limited v. Manjit Singh and others'**, which



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was ordered to be dismissed as withdrawn, with liberty to the appellant therein to file an appeal before this Court, vide order dated 09.07.2013, and entrust the same either to the successor Court or to any other Court having jurisdiction to try the same. The concerned Court shall decide the appeal on merits as per law, as expeditiously as possible.

8. The Registry is directed to transmit copy of this order alongwith complete paperbook and the record of the case to the learned Sessions Judge, Faridabad, forthwith.

9. Disposed of accordingly.

10. Pending miscellaneous application(s), if any, also stands disposed of.

**( SANJAY VASHISTH )  
JUDGE**

**July 07, 2025**  
Pkapoor

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>