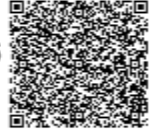


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-35712-2014 in/and
CRM-A-1796-MA-2014 (O&M)
Date of decision: 05.08.2025

M/s Batra Auto Company

... Applicant

Vs.

Shiv Raj and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Dhivya, Advocate for
Mr. A.P. Kaushal, Advocate
for the applicant (*through video conferencing*).

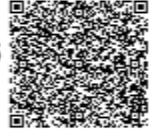
Ms. Nidhi Dahiya, Advocate
for respondent No.1.

Mr. Kul Bhushan Sharma, Advocate
for respondent No.2.

Appeal against respondent No.3 was dismissed
vide order dated 14.05.2015.

HARPREET SINGH BRAR, J. (ORAL)

1. Present application has been preferred under Section 378(4) of
the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') (*now Section*



419(4) of BNSS) seeking grant of leave to file appeal against the judgment of acquittal dated 04.06.2014 passed by learned Judicial Magistrate 1st Class, Faridabad, in a complaint filed under Section 200 of Cr.P.C. for commission of offence under Sections 420 read with Section 120-B of the Indian Penal Code, 1860.

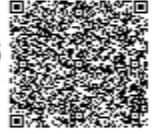
2. The Hon'ble Supreme Court in *M/s Celestium Financial Vs. A. Gnanasekaran etc., 2025(3) RCR (Criminal) 208*, after considerable deliberation and comparative analysis of Sections 372 and 378(4) of Cr.P.C. (now Sections 413 & 419(4) of BNSS), concluded that the victim has a right to file an appeal under Section 372 of Cr.P.C. (now Section 413 of BNSS) before the Court of Sessions. Reliance in this regard can also be placed a judgment of this Court passed in the case of *Satish Kumar Vs. Jugal Kishor, 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, 2025 SCC OnLine SC 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 *M/s Celestium Financial's* case (*supra*), present application seeking leave to file the appeal as well as the application filed under Section 5 of the

**CRM-35712-2014 in/and
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Limitation Act, 1963 read with Section 482 of Cr.P.C. (*now Section 528 of BNSS*) are remanded back to learned Sessions Judge, Faridabad with a direction to treat the same as filed under Section 372 of Cr.P.C. (*now Section 413 of BNSS*) and entrust it to the appropriate Court for its disposal on merits.

4. The Registry is directed to send complete set of paperbook and record of the case to learned Sessions Judge, Faridabad forthwith.

5. Disposed of, accordingly.

05.08.2025
vishnu

**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No