

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

254

CRM-A-254-2019 (O&M)

Decided on 17.07.2025

M/s Ashoka Rugs

... Applicant(s)

VS.

M/s DICI Export P.Ltd. & Anr.

... Respondent(s)

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Subhash Godara, Advocate for the applicant(s)

Mr. Anil Kumar Bhardwaj, Advocate for the respondent(s)

Sandeep Moudgil, J.

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 02.11.2018 passed by the learned JMIC, Panipat in a case stemming from complaint dated 31.07.2015/02.04.2018 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, Panipat 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, Panipat forthwith.

5. Disposed of accordingly.

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

17.07.2025
V.Vishal

(Sandeep Moudgil)
Judge

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