



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

139

CRM-A-532-MA-2014

Date of decision: 28.07.2025

MANGAL SINGH

...Applicant/Appellant

VERSUS

JAGBIR SINGH

...Respondents

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Hooda, Advocate
for the applicant-appellant (through Hybrid mode).

Ms. Kamaldeep Kaur, Advocate for
Mr. Adarsh Jain, Advocate
for the respondent.

SANDEEP MOUDGIL, J.(ORAL)

1. The present application has been filed by the petitioner seeking grant of leave to appeal the judgment of acquittal dated 16.10.2013 passed by the learned Judicial Magistrate First Class, Hathin in a case stemming from complaint dated 27.07.2010 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, Palwal 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, Palwal forthwith.
5. Disposed of accordingly.
6. Pending miscellaneous applications, if any, also stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

28.07.2025

Nisha Yadav

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No