



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

237

CRM-A-1302-2023 (O&amp;M)

Decided on : 13.10.2025

Rakesh Garg

. . . applicant-appellant

Versus

Rajbir Singh

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

PRESENT: Mr. Tanmoy Gupta, Advocate for the appellant.

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**AMAN CHAUDHARY, J. (Oral)**

1. The present appeal has been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') against the judgment of acquittal 26.07.2023 passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Narwan, Jind in a complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter 'NI Act').

2. Hon'ble the Supreme Court in **M/s Celestium Financial vs. A. Gnanasekaran Etc.**, 2025 SCC OnLine 1320, held that an appeal is maintainable under the proviso of Section 372 Cr.P.C. (corresponding Section 413 of BNSS, 2023) against an order of acquittal passed in a complaint under Section 138 NI Act, by treating the complainant therein, as a 'victim' within the meaning under Section 2 (wa) of Cr.P.C, in view of which, the present appeal is disposed of by directing the concerned Sessions Judge, for treating it to have been filed under Section 372 of Cr.P.C. and assigning the same to the Court concerned for deciding it.

3. Registry is directed to send the complete paper-book and trial Court record, if received, along with the said order forthwith, while also informing the parties.

**(AMAN CHAUDHARY)  
JUDGE**

**October 13, 2025***Vishal Vardhan**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*