



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

227

**CRM-A-2363-MA-2017 (O&M)
Date of Decision: 11.09.2025**

KOTAK MAHINDRA BANK

....Petitioner

VERSUS

KANISHK JAIN AND ANR

....Respondents

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. A.D.S. Sukhija, Advocate and
Mr. Karanveer Singh Lall, Advocate
for the applicant/appellant.

AMAN CHAUDHARY, J. (Oral)

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 against the judgment of acquittal dated 06.07.2017 passed by the learned Judicial Magistrate 1st Class, Chandigarh in a complaint filed under Section 25 of Payment and Settlement System Act, 2007.

2. Learned counsel for the applicant/appellant submits that the proceedings under the Payment and Settlement Systems Act, 2007 are akin to those under the Negotiable Instruments Act, inasmuch as the petitioner had issued a Direct Debit Clearance instruction for an installment amounting to Rs. 76,140 in the month of May, 2015 be deducted by the Bank, however, due to insufficient funds, the same was not debited. Thus, the bank issued a legal notice dated 21.01.2015 and initiated proceedings under the aforesaid Act.



3. 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 25 of Payment and Settlement System Act, 2007, by treating the complainant herein, 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.

4. 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

11.09.2025

Deepak Patwal

1. <i>Whether speaking/reasoned</i>	<i>Yes/No</i>
2. <i>Whether reportable</i>	<i>Yes/No</i>