

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No. 12350/2024

[Arising out of impugned final judgment and order dated 10-04-2024 in CRMA No. 975/2023 passed by the High Court of Punjab & Haryana at Chandigarh]

M/S EVEREST AUTOMOBILES

Petitioner(s)

VERSUS

M/S RAJIT ENTERPRISES

Respondent(s)

[FOR FINAL DISPOSAL]

Date : 12-02-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. B. Badrinath, AOR

For Respondent(s) :

UPON hearing the counsel, the Court made the following
O R D E R

Reliance is placed by the learned counsel for the petitioner on the recent judgment of this Court in "*Celestium Financial vs. A. Gnanasekaran*¹". By way of the said judgment, a co-ordinate Bench of this Court held that a complainant in a case arising under Section 138 of the Negotiable Instruments Act, 1881, is a 'victim' who would be entitled to file an appeal under the *proviso* to Section 372 of the Code of Criminal Procedure, 1973². It was further held that such appeal could be filed against an order of acquittal under the *proviso* to Section 372 of the Code without seeking special leave to appeal under Section 378(4) of the Code.

¹ 2025 INSC 804

² For short "the Code"

However, this judgment did not take into account the earlier decisions of this Court in *Satya Pal Singh vs. State of M.P.*³ and *Subhash Chand vs. State (Delhi Administration)*⁴, which have a bearing on both the aspects that were considered in the aforestated judgment, as they held to the contrary.

Further, we are also unable to agree with the interpretation placed by the co-ordinate Bench upon the scheme of the Code in the context of Sections 372 and 378 thereof. Perusal of Section 378(1), (2) and (3) of the Code reflects that the *proviso* to Section 372 thereof was carved out, keeping in mind the distinction between the prosecuting agency and the victim. We may also notice that Section 378(4) and (5) were preserved in the Code, which make it incumbent upon the complainant, who initiated the prosecution on a complaint which resulted in acquittal, to obtain leave before an appeal is filed before the High Court.

In such circumstances, we are of the opinion that it is desirable that a larger Bench gives an authoritative pronouncement on this issue as it has far-reaching consequences. The matter may be placed before the Hon'ble The Chief Justice for appropriate directions in that regard.

(BABITA PANDEY)
AR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)

3 2015 15 SCC 613

4 (2013) 1 SCC 802