



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

**223**

**CRM-A-2685-MA-2018 (O&M)  
Date of decision: 13.10.2025**

Sanjit Kumar

...Applicant

VERSUS

Gore Lal

...Respondent

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Darpan Bansal as Legal Aid Counsel for the applicant.

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**VINOD S. BHARDWAJ, J. (Oral)**

**CRM-42946-2018**

Prayer in the present application is for condonation of delay of 47 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is allowed and delay of 47 days in filing application for leave to appeal is condoned.

**CRM-42947-2018**

Allowed, as prayed for.

**Main case**

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 order of acquittal dated 02.08.2018 passed by the learned Chief Judicial Magistrate, SAS Nagar, Mohali stemming out from case No.NIA/13/2016 filed under Section 138 of the Negotiable Instruments Act, 1881, wherein, the accused was acquitted in view of the provisions of Section 256(1) Cr.P.C.



2. It is noticed that the instant application pertains to the year 2018, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Darpan Bansal, Advocate, PH-775/2024, who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of applicant to arrive at a decision. He has gone through the case file and submits that the present application has been filed against the order of acquittal dated 02.08.2018 passed by the Chief Judicial Magistrate, SAS Nagar Mohali, in case No.NIA/13/2016 filed under Section 138 of the Negotiable Instruments Act, 1881. He fairly submits that in view of the judgment passed by the Hon'ble Supreme Court in *M/s. Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, the applicant would have a remedy before the Court of Sessions.

3. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.30,00,000/-.

4. In view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present application seeking leave to appeal is **remanded** to the learned Sessions Judge, SAS Nagar Mohali with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. and entrust the same to appropriate Court for its disposal on merits.

5. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, SAS Nagar Mohali forthwith.

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



7. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

**(VINOD S. BHARDWAJ)  
JUDGE**

**13.10.2025**

*Sumit Gusain*

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