

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222-2

CRM-A-1455-MA-2015 (O&M)
Date of decision: 17.09.2025

PREM CHAND

...Applicant

VERSUS

MANOHAR SINGH

...Respondents

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

Present :- Mr. L.S. Mann, Advocate for the applicant.

Mr. Pawan Kumar, Advocate for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

CRM-27543-2015

Prayer in the application is for condonation of delay of 1152 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 1152 days in filing the appeal is condoned.

CRM-A-1455-MA-2015

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 20.04.2012 passed by the Judicial Magistrate 1st Class, S.B.S. Nagar in a case stemming from criminal case No. 12/2 of 20.03.2007 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of

cheque of Rs.3,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 20.04.2012.

3. Learned counsel appearing on behalf of the applicant 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.

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, S.B.S. Nagar 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, S.B.S. Nagar forthwith.

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

17.09.2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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