



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-A-2759-2019 (O&M)
Date of decision: 22.09.2025

Rajiv Kumar

...Applicant/Appellant(s)

VERSUS

Vinod Kumar

...Respondent(s)

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

Present :- Mr. Gurmeet Singh, Advocate for the Appellant(s).

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the application is for condonation of delay of 12 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is allowed and delay of 12 days in filing the application for leave to appeal is condoned.

Main case:

The present application has been preferred for seeking grant of leave to appeal against the order dated 05.09.2019 vide which the complaint in question was dismissed-in-default for want of prosecution by the learned Judicial Magistrate 1st Class, Kaithal in a case stemming from complaint filed under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the applicant(s)/appellant(s) fairly submits that in view of the judgment of the Hon'ble Supreme Court passed 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. 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, Kaithal 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.

4. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Kaithal forthwith.

5. Disposed of accordingly.

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

(VINOD S. BHARDWAJ)
JUDGE

22.09.2025

Mangal Singh

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