



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-A-179-2024 (O&M)
Date of decision: 23.09.2025

Om Parkash (since deceased) through his LR ...Applicant
VERSUS

Dhani Construction Company, Proprietor Virender and another ...Respondents

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

Present :- Mr. Jitender Nara, Advocate for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-5568-2024

Prayer in the present application is for condonation of delay of 22 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is allowed and delay of 22 days in filing application for leave to appeal is condoned.

CRM-5569-2024

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 judgment of acquittal dated 10.10.2023 passed by the learned Additional Chief Judicial Magistrate, Jhajjar in a case stemming from complaint No.COMA/81/2017 filed under Sections 138, 141 and 142 of the Negotiable Instruments Act, 1881 read with Section 420 of the Indian Penal Code, 1860.



244 CRM-A-179-2024 (O&M)

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.10,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 10.10.2023

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, Jhajjar 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, Jhajjar forthwith.

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

(VINOD S. BHARDWAJ)
JUDGE

23.09.2025

Sumit Gusain

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