



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-A-67-MA-2018 (O&M)

Date of decision: 13.10.2025

Harminder Singh Bhatia

...Applicant

VERSUS

M/s Cold Spot Commercial Appliances Company and another

...Respondents

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

Present :- Mr. Ishaan, Advocate, for
Mr. Karan Bhardwaj, Advocate, for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

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 01.11.2017 passed by the learned Judicial Magistrate First Class, Yamuna Nagar at Jagadhri, stemming out from complaint dated 05.07.2016 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.2,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 01.11.2017.

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, Yamuna Nagar at Jagadhri 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, Yamuna Nagar at Jagadhri forthwith.

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

(VINOD S. BHARDWAJ)
JUDGE

13.10.2025

Sumit Gusain

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