



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

234

CRM-A-80-2024 (O&M)

Date of decision: 17.09.2025

BIRENDER MALIK

...Applicant

VERSUS

RAJESH KUMAR

...Respondents

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

Present :- Mr. Ashwani Bhardwaj, Advocate for the applicant.

\*\*\*\*\*

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

**CRM-2794-2024**

Prayer in the application is for condonation of delay of 583 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 583 days in filing the appeal is condoned.

**CRM-A-80-2024**

The present application has been filed 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 05.04.2022 passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Hisar in a case stemming from criminal complaint dated 22.04.2019 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.5,21,000/- After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment

dated 05.04.2022.

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, Hisar with a direction to treat the same as an appeals 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, Hisar forthwith.

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

(VINOD S. BHARDWAJ)  
JUDGE

17.09.2025  
Vishal Sharma

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