



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-A-832-2023 (O&M)
Date of decision: 09.10.2025

Hari Singh

...Applicant

VERSUS

M/s Radha Rani Filling Station

...Respondent

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

Present :- Mr. Jugansh Goyal, Advocate for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-26983-2023

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.

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 31.01.2023 passed by the learned Judicial Magistrate First Class, Hodal in a case stemming from complaint dated 06.12.2016 filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque No.101078 issued by the accused. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s)



vide judgment dated 31.01.2023.

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, Palwal 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, Palwal forthwith.

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

(VINOD S. BHARDWAJ)
JUDGE

09.10.2025

Sumit Gusain

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