

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:135472



(237)

CRM-A-2772-2019

Date of Decision: 25.09.2025

Swaran Singh

--Appellant

Versus

Amrit Pal Singh

--Respondent

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

Present:- Mr. Mahipal S. Yadav, Advocate for
Mr. Sudhanshu Makkar, Advocate for the appellant.

Mr. M.S. Dua, Advocate for the respondent.

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 14.10.2019 passed by the learned Judicial Magistrate, 1st Class, Patiala in a case stemming from criminal complaint no.3638 of 2016 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel appearing on behalf of appellant 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.

3. The complaint (supra) was filed on the ground of dishonour of cheque no.478389 dated 21.09.2016 amounting to Rs.3,20,000 and cheque

no.478391 dated 22.09.2016 amounting to Rs.3,50,000/- (total Rs.6,70,000/-). After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 14.10.2019.

4. 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.

5. 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, Patiala 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.

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

7. Disposed of accordingly.

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

(VINOD S. BHARDWAJ)
JUDGE

25.09.2025

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No