



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRA-AS-453-2024 (O&M)
Date of decision: 22.09.2025**

M/s Golden Store through its proprietor Tejpal Singh

...Applicant

VERSUS

Baldev Singh

...Respondent

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

Present :- Ms. Gurpreet Kaur as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

The present application has been preferred under Section 378(5) of the Code of Criminal Procedure, 1973 (hereinafter 'CR.P.C.') seeking grant of leave to appeal against the judgment of acquittal dated 03.05.2019 passed by the learned Judicial Magistrate First Class, Amritsar stemming out from complaint dated 13.12.2016 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2024, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Gurpreet Kaur, Advocate, PH-5456-2021, who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of applicant to arrive at a decision. She has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 03.05.2019 passed by the Judicial Magistrate 1st Class, Amritsar, in case No.4387 of 2016 filed under Section 138 of the



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Negotiable Instruments Act, 1881. She fairly 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 of Rs.2,65,300/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 03.05.2019.

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, Amritsar 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, Amritsar forthwith.

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

7. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

(VINOD S. BHARDWAJ)
JUDGE

22.09.2025

Sumit Gusain

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