



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

287-2

CRA-AS-186-2024 (O&M)
Date of decision: 23.09.2025

H.D.F.C. Bank Ltd.

... Appellant(s)

VERSUS

Kapil Dev

...Respondent(s)

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

Present :- Mr. Saurabh Bhardwaj, Advocate for the Appellant(s)
(through V.C.).

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been preferred seeking grant of leave to appeal against the judgment of acquittal dated 16.12.2023 passed by the learned Judicial Magistrate 1st Class, Fatehabad, in a case stemming from complaint dated 11.09.2017 filed under Section 138 of Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.20,40,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 16.12.2023.

3. Learned counsel for the appellant(s) fairly submits that in view of the judgment of the Hon'ble Supreme Court passed 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



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Celestium Financial (supra), the present appeal is **remanded** to the learned Sessions Judge, Fatehabad 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, Fatehabad forthwith.
6. Disposed of accordingly.
7. Pending miscellaneous applications, if any, also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

23.09.2025*Mangal Singh*

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