



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

232

CRM-A-268-2023 (O&M)  
Date of decision: 18.09.2025

EMPLOYEES STATE INSURANCE CORPORATION

...Applicant

VERSUS

SHAMSHER AND ANOTHER

...Respondents

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

Present :- None.

\*\*\*\*\*

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

**CRM-13112-2023**

Prayer in the application is for condonation of delay of 264 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 264 days in filing the appeal is condoned.

**CRM-A-268-2023**

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 21.02.2022 passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Narnaul in a case stemming from criminal complaint dated 13.11.2017 filed under Section 85(a) of the Employee's State Insurance Act, 1948.

2. After assessing all the material available on the record, the

learned trial Court acquitted the respondent(s) vide judgment dated 21.02.2022.

3. It is revealed 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, Narnaul 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, Narnaul forthwith.

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

**18.09.2025**

*Vishal Sharma*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

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