



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

243-2

**CRA-AS-420-2024 (O&M)
Date of decision: 23.09.2025**

M/s Shri Achleshwar Fincaps Limited ...Appellant
VERSUS

Surinder Mohan Sharma ...Respondent

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

Present :- Ms. Saloni as Legal Aid Counsel,
for the appellant.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been against the judgment of acquittal dated 10.01.2018 passed by the learned Sub-Divisional Judicial Magistrate, Batala stemming out from criminal complaint No.43 dated 05.03.2013 filed under Section 138 of the Negotiable Instruments Act, 1881 read with Section 420 of the Indian Penal Code, 1860.

2. It is noticed that the instant appeal pertains to the year 2024, however, no one has entered appearance on behalf of the appellant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Saloni, Advocate, PH-5637-2023, who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of appellant to arrive at a decision. She has gone through the case file and submits that the present appeal has been filed against the judgment of acquittal dated 10.01.2018 passed by the learned Sub-Divisional Judicial Magistrate, Batala in criminal complaint No.43 dated 05.03.2013 filed under Section 138 of the Negotiable Instruments Act, 1881 read with Section 420 of the Indian Penal Code, 1860.



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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 appellant would have a remedy before the Court of Sessions.

3. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.4,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 10.01.2018.

4. In view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present appeal is **remanded** to the learned Sessions Judge, Gurdaspur 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, Gurdaspur 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

23.09.2025

Sumit Gusain

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