



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-A-1344-2023 (O&M)
Date of decision: 29.09.2025

M/S MADHAAV ENTERPRISES

...Applicant

VERSUS

M/S JAGDAMBA BUILDING MATERIAL AND ANOTHER

...Respondents

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

Present :- Mr. Sejal, as Legal Aid Counsel,
for the applicant.

Mr. Lajpat Rai Sharma, Advocate
for the respondents.

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 19.07.2023 passed by the learned Sub Divisional Judicial Magistrate, Pehowa stemming out from complaint dated 07.03.2018 filed under Section 138/142 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2023, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Sejal, Advocate, Enrollment No. PH8952/2025, Mobile No. 7888369202, 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. He has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 19.07.2023 passed by the learned Sub Divisional Judicial Magistrate, Pehowa, in case bearing CIS No. NACT/80/2018 filed under Section 138 of the Negotiable Instruments Act, 1881. He 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 issued by the accused-respondent bearing No. 000007 dated 08.02.2018 amounting to Rs. 3,20,540/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 19.07.2023.

4. Mr. Lajpat Rai Sharma, Advocate enters appearance on behalf of respondents and files his power of attorney in the Court today and the same is taken on record.

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, Kurukshetra 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, Kurukshetra forthwith.

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

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

SEPTEMBER 29, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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