



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233-3

CRA-AS-23-2025 (O&M)

Date of decision: 24.09.2025

SURENDER KAUSHIK

...Applicant

VERSUS

THE MANGALPUR KAUSHIK CO OP L.C. SOCIETY NARWANA AND
ANR

...Respondents

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

Present :- Ms. Ishita Arora, Advocate for
Dr. Pankaj Nanhera, Advocate
for the applicant.

Mr. Munish Garg, Advocate
for respondents No.1 and 2.
(Through Video Conferencing).

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment of acquittal dated 17.07.2023 passed by the learned Judicial Magistrate, 1st Class Hisar in a case stemming from criminal complaint dated 23.10.2018 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs. 15,76,200/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 17.07.2023.

3. Learned counsel appearing on behalf of the applicant 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.

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, Hisar 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, Hisar forthwith.

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

SEPTEMBER 24, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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