



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

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**CRM-A-1587-2019 (O&M)
Date of decision: 24.09.2025**

M/S HARNARAYAN DASS, MOOLCHAND, MEHAM GATE BHIWANI

...Applicant

VERSUS

MUKESH KUMAR

...Respondent

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

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

Mr. Ravi Kadian, Advocate for
Mr. Naveen Singh, Advocate for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

CRM-23230-2019

Application is allowed as prayed for.

CRM-A-1587-2019

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 16.05.2019 passed by the learned Judicial Magistrate First Class, Bhiwani stemming out from complaint dated 07.10.2016/04.04.2019 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2019, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr.

Gurmeet Singh, Enrollment No. PH-4991-2024 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 16.05.2019 passed by the Judicial Magistrate 1st Class, Bhiwani, in case CIS No. COMA-629-2016 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. 176537 dated 27.04.2016 amounting to Rs. 1,20,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 16.05.2019.

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, Bhiwani 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, Bhiwani 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.

SEPTEMBER 24, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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