



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-A-2300-MA-2018

Date of decision: 18.09.2025

SANJAY BATRA

...Applicant

VERSUS

ROHIT KUMAR

...Respondent

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

Present :- None.

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 18.07.2018 passed by the learned Judicial Magistrate, 1st Class, Karnal in a case stemming from criminal complaint dated 25.07.2016 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.5 lakhs. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 18.07.2018.

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, Karnal 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, Karnal 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