



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-A-2266-MA-2017

Date of decision: 17.09.2025

NARESH KUMAR

...Applicant

VERSUS

RAJ RANI @ RAJKUMARI AND OTHERS

...Respondents

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

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

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 28.07.2017 passed by the learned Sub Divisional Judicial Magistrate, Dabwali stemming out from complaint No. 195-2/2013 filed under Sections 468, 471, 191, 192, 193, 419, 420, 511, 506 read with Section 120-B of the Indian Penal Code, 1860.

2. It is noticed that the instant application pertains to the year 2017, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Ankush Kamboj, Advocate, Enrollment No. PH/3263/2025, Mobile No. 6280818077 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 28.07.2017 passed by the Sub Divisional Judicial Magistrate, Dabwali in case No. CIS COMI-614-2013 filed under Sections 468, 471, 191, 192, 193, 419, 420, 511, 506 read with Section 120-B of the Indian Penal Code, 1860. 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. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 28.07.2017.

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, Sirsa 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, Sirsa 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

17.09.2025

Vishal Sharma

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