

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:135386



(235)

CRM-A-2274-MA-2018
Date of Decision: 25.09.2025

Shavet Sharma

--Appellant

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. Pranav Arora, Legal Aid Counsel for the appellant.

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. C.L. Verma, Advocate for respondent no.2.

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 19.02.2018 passed by the learned Judicial Magistrate, 1st Class, Ludhiana in a case stemming from criminal complaint no.6183 of 2014 filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2018, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Pranav Arora, Advocate (PH/3946/2025) Mobile No.8360314337, 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 19.02.2018 passed by the learned Judicial Magistrate, 1st Class, Ludhiana in a case stemming from criminal complaint no.6183 of 2014 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 of Rs.7,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 19.02.2018.

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, Ludhiana 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, Ludhiana forthwith.

6. Disposed of accordingly.

Pending miscellaneous applications, if any, shall also stand disposed of.

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

25.09.2025

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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No