



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-AS-124-2016 (O&M)
Date of decision: 03.11.2025

Hukam Chand

...Appellant(s)

VERSUS

Balwinder Kumar Sethi

...Respondent(s)

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

Present :- Ms. Pavneet Kaur, Advocate for the Appellant(s)
(Legal Aid Counsel).

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment of acquittal dated 15.03.2016 passed by the learned Judicial Magistrate 1st Class, Kurukshetra, in a case stemming from complaint dated 01.09.2014 filed under Sections 138 and 142 of Negotiable Instruments Act, 1881.

2. It is noticed that the instant appeal pertains to the year 2016, however, no one has entered appearance on behalf of the appellants(s), hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Pavneet Kaur, Advocate (PH/10664/2025, Mob. 70096-41395), who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of appellant(s) to arrive at a decision. She has gone through the case file and submits that the present appeal has been filed against the judgment of acquittal dated 15.03.2016 passed by the Judicial Magistrate 1st Class, Kurukshetra, in complaint dated 01.09.2014 filed under Section 138



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of Negotiable Instruments Act, 1881. She fairly submits that in view of the judgment of the Hon'ble Supreme Court passed in *M/s. Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, the appellant would have a remedy before the Court of Sessions.

3. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.2,40,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 15.03.2016.

4. In view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present appeal is **remanded** to the learned Sessions Judge, Kurukshetra with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023) 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, Kurukshetra 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

03.11.2025

Mangal Singh

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