

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2025.PHHC.149602



CRM-A-215-2023 (O&M)
Date of decision: 30.10.2025

Kewal Krishan

...Applicant(s)

VERSUS

Rajiv Kumar @ Tinku

...Respondent(s)

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

Present :- Mr. Munish Kumar, Advocate,
Ms. Sakshi Tanwar, Advocate, and
Mr. Vikash Mehra, Advocate,
for the applicant-appellant.

Ms. Menka Gupta, Advocate,
for the respondent.

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 15.12.2022 passed by the Sub Divisional Judicial Magistrate, Tohana, District Faridabad, in a case stemming from complaint bearing No.CIS/NI ACT 123 of 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.3,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 15.12.2022.

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, Fatehabad, with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (now 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, Fatehabad, forthwith.
6. Disposed of accordingly.
7. Pending miscellaneous applications, if any, also stand disposed of.

October 30, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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