



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRA-AS-147-2018 (O&M)
Date of decision: 29.10.2025

SHIV KUMAR

...Applicant

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent

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

Present :- Mr. Bhuvnesh Sharma as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment of acquittal dated 03.03.2016 passed by the learned Judicial Magistrate First Class, Faridabad stemming out from complaint dated 07.04.2012/18.04.2015 filed under Sections 279, 337, 338, 304-A of the Indian Penal Code, 1860.

2. It is noticed that the instant appeal pertains to the year 2018, however, no one has entered appearance on behalf of the appellant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Bhuvnesh Sharma, Advocate, Enrollment No. PH/7175/2024, Mobile No. 9996106258 who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of appellant to arrive at a decision. He has gone through the case file and submits that the present appeal has been filed against the judgment of acquittal dated 03.03.2016 passed by the Judicial Magistrate 1st Class, Faridabad, in case CHI No.19272-2013 filed under Sections 279, 337, 338, 304-A 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 appellant 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 03.03.2016.

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, Faridabad with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (now Section 413 of BNSS) 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, Faridabad 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.

OCTOBER 29, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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