



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

CRA-AS-54-2019 (O&M)

Date of decision: 28.10.2025

SURAJ BHAN

...Applicant

VERSUS

SUMER CHAND

...Respondent

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

Present :- Mr. Govind Arora, Advocate 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 09.08.2017 passed by the learned Judicial Magistrate, 1st Class Yamuna Nagar at Jagadhari in a case stemming from criminal complaint dated 27.03.2014/21.12.2016 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque bearing No. 217810 dated 26.02.2014 amounting to Rs. 1.50 lacs and cheque bearing No. 217811 dated 26.02.2014 amounting of Rs.2 lacs. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 09.08.2017.

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, Yamuna Nagar 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, Yamuna Nagar forthwith.

6. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 28, 2025
Vishal Sharma

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