

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

2025:PHHC:149594



CRM-A-172-MA-2018 (O&M)
Date of decision: 30.10.2025.

BALVINDER KUMAR SAINI

...Applicant-appellant.

VERSUS

M/S DAKSH ASSOCIATES

...Respondent(s)

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

Present :- Mr. Mayank Mathur, Advocate,
for the applicant-appellant.

Mr. Anish Garg, 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 21.10.2015 passed by the Judicial Magistrate First Class, Patiala in a case stemming from complaint bearing No.352 of 10.02.2015, filed under Section 138 of the Negotiable Instruments Act, 1881 read with Section 420 of the Indian Penal Code, 1860.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.20,00,000/-. After assessing all the material available on the

record, the learned trial Court acquitted the respondent(s) vide judgment dated 21.10.2015.

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, Patiala 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, Patiala forthwith.

6. Disposed of accordingly.

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

October 30, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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