



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-A-1786-MA-2018 (O&M)

Date of decision: 22.09.2025

M/s. Garg Industries

...Applicant/Appellant(s)

VERSUS

Vishal Sharma and another

...Respondent(s)

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

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

VINOD S. BHARDWAJ, J. (Oral)

CRM-30563-2018

Prayer in the application is for condonation of delay of 44 days in filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed and delay of 44 days in filing the accompanying appeal is condoned.

Main case:

The present application has been preferred seeking grant of leave to appeal against the judgment of acquittal dated 23.04.2018 passed by the learned Judicial Magistrate 1st Class, Panchkula, in a case stemming from complaint dated 17.06.2014 filed under Section 138 of Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheques of Rs.2,18,322.66, Rs.3,00,000/- and Rs.1,00,000/- After assessing all the material available on the record, the learned trial Court acquitted the



respondent(s) vide judgment dated 23.04.2018.

3. It is noticed that the instant application pertains to the year 2018, however, no one has entered appearance on behalf of the applicant(s), hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Tanveen Kaur, Advocate, who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of applicant(s) to arrive at a decision. She has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 23.04.2018 passed by the Judicial Magistrate 1st Class, Panchkula, in complaint dated 17.06.2014 filed under Section 138 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 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, Panchkula with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. 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, Panchkula forthwith.

6. Disposed of accordingly.

7. Applicant(s)-appellant(s) shall be at liberty to raise all the pleas before the trial Court.



8. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

(VINOD S. BHARDWAJ)
JUDGE

22.09.2025

Mangal Singh

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