



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-A-1176-MA-2017 (O&M)

Date of decision: 17.11.2025

Jaswant Singh Pathania

.....Applicant

Versus

Ramesh Kumar and others

.....Respondents

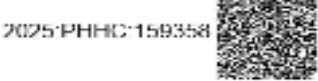
CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Ms. Bhoomika, Advocate (Legal Aid counsel) 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 01.03.2017 passed by learned Additional Chief Judicial Magistrate, Hoshiarpur, in a case stemming from criminal case No. CHI/361/2014 arising out of FIR No.93 dated 19.07.2013 registered under Sections 406, 419, 120B of the Indian Penal Code, 1860 (hereinafter 'IPC').

2. No one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Bhoomika, Advocate, (PH/6263/2025), who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of the applicant 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 01.03.2017 passed by the learned Additional Chief Judicial Magistrate, Hoshiarpur



stemming out from criminal case No. CHI/361/2014, arising out of FIR No.93 dated 19.07.2013 under Sections 406, 419, 120B of the Indian Penal Code, 1860 (hereinafter ‘IPC’). She 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 applicant would have a remedy before the Court of Sessions.

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 applicant seeking leave to appeal is remanded to the learned Sessions Judge, Hoshiapur with a direction to treat the same as an appeal filed under Section 413 of the 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, Hoshiarpur 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.

17.11.2025
Harish Kumar

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No