



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-A-1406-MA-2017 (O&M)

Date of decision: 10.11.2025

SARASWATI @ SARBATI

...Applicant

VERSUS

RAJESH AND OTHERS

...Respondents

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

Present :- Mr. Arvind K. Bangar, Advocate for
Mr. Mohit Nehra, Advocate
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-19972-2017

Prayer in the application is for condonation of delay of 74 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 74 days in filing the appeal is condoned.

CRM-A-1406-MA-2017

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 03.12.2016
passed by the learned Sub Divisional Judicial Magistrate, Tosham in a case
stemming from criminal complaint case No. 44-1 of 2012/2015 filed under
Sections 323, 325 & 506 IPC read with Section 34 of the IPC.

2. After assessing all the material available on the record, the

learned trial Court acquitted the respondent(s) vide judgment dated 03.12.2016.

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, Bhiwani 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, Bhiwani forthwith.

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

NOVEMBER 10, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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