



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-A-2494-MA-2018 (O&M)

Date of decision: 29.10.2025

SAHIB SINGH

...Applicant

VERSUS

LAKHWINDER SINGH

...Respondents

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

Present :- Mr. Fariad Singh, Advocate for the applicant.
(Through Video Conferencing).

VINOD S. BHARDWAJ, J. (Oral)

CRM-39626-2018

Prayer in the application is for condonation of delay of 08 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 08 days in filing the appeal is condoned.

CRM-A-2494-MA-2018

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 17.07.2018
passed by the learned Sub Divisional Judicial Magistrate, Samana in a case
stemming from criminal complaint No. 32-T/27.5.2014/2015 filed under
Section 138 of the Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of
cheque of Rs.5,90,000/-. After assessing all the material available on the

record, the learned trial Court acquitted the respondent(s) vide judgment dated 17.07.2018.

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 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, Patiala forthwith.

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

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 29, 2025

Vishal Sharma

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