



CRM-A-2568-MA-2018 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-A-2568-MA-2018 (O&M)
Date of decision: 04.11.2025

Krishan Kumar

...Applicant(s)

VERSUS

Subhash Chand

...Respondent(s)

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

Present :- Mr. Abhay Chawla, Advocate, (Legal-aid-counsel)
for the applicant-appellant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-40900-2018

Prayer in the present application is for condonation of delay of 127 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is allowed and delay of 127 days in filing application for leave to appeal is condoned.

Main case

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 26.02.2018 passed by the learned Judicial Magistrate First Class, Karnal, stemming out from criminal complaint bearing No. 812 of 2016 dated 01.04.2016, CIS No.NACT/0000779/2016, filed under Section 138 and 142 of the Negotiable Instruments Act, 1881.



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2 No one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Abhay Chawla, Advocate, (PH-5665-2025), who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of applicant to arrive at a decision. He has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 26.02.2018 passed by the learned Judicial Magistrate First Class, Karnal, stemming out from criminal complaint bearing No.812 of 2016 dated 01.04.2016, CIS No.NACT/0000779/2016, filed under Section 138 and 142 of the Negotiable Instruments Act, 1881. He 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 The complaint (*supra*) was filed on the ground of dishonour of cheque amounting to Rs.9,81,000/- issued by the accused-respondent. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 26.02.2018.

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, Karnal 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, Karnal forthwith.

6 Disposed of accordingly.



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

November 04, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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