



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

CRM-A-2716-MA-2018 (O&M)

Date of decision: 03.11.2025

BALWAN

...Applicant

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

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

Present :- Mr. Shub Karman Kumar, Advocate for
Mr. Manoj Kaushik, Advocate
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 28.09.2018 passed by the learned Sub Divisional Judicial Magistrate, Tosham in a case stemming from criminal complaint dated 23.07.2014/18.04.2015 filed under Sections 211, 191, 192, 193, 500 and 182 of the Indian Penal Code.

2. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 28.09.2018.

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, 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 03, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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