

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

2025.PHHC.149595



CRM-A-382-MA-2018 (O&M)
Date of decision: 30.10.2025

Sangeeta

...Applicant(s)

VERSUS

Darshana

...Respondent(s)

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

Present :- Mr. Parveen Kumar, Advocate, for
Mr. Abhimanyu Singh, Advocate,
for the applicant-appellant.

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 09.09.2017 passed by the Judicial Magistrate First Class, Gurugram in a case stemming from complaint bearing No. CIS/138NI ACT/7286/2015 filed under Section 138 read with Sections 141 and 142 of the Negotiable Instruments Act, 1881 as well as under Sections 406 and 420 of the Indian Penal Code, 1860.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.25,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated

09.09.2017.

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, Gurugram 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, Gurugram, forthwith.

6. Disposed of accordingly.

7. Pending miscellaneous applications, if any, also stand disposed of.

October 30, 2025.

raj arora

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No