



**219/1 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-A-696-MA-2014(O&M)

Date of decision: 26.09.2025

Cantonment Board, Jalandhar

...Applicant/Appellant

VERSUS

Kewal Inder Pal Johar

...Respondent

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

Present :- Mr. M.S.Sachdev, Advocate for the Appellant(s).

Ms. Damini Agarwal, Advocate
for the respondent (through V.C.).

VINOD S. BHARDWAJ, J. (Oral)

CRM-13595-2014

Prayer in the application is for condonation of delay of 482 days in filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed and delay of 482 days in filing the accompanying appeal is condoned.

CRM-13594-2014

Allowed as prayed for.

Main case

The present application has been preferred seeking grant of leave to appeal against the judgment of acquittal dated 27.10.2012 passed by the learned Judicial Magistrate Ist Class, Jalandhar, in a case stemming from complaint dated 30.01.2009 filed under Section 247 of Cantonment Act, 2006.

2. The complaint was filed on the ground that the accused had raised unauthorized construction in House No.19(P), Mohalla No.04, Jalandhar



Cantt. without prior sanction of the competent authority as per provisions of Sections 234 and 235 of the Cantonment Act, 2006. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 27.10.2012.

3. Learned counsel for the applicant submits that the present application has been filed against the judgment of acquittal dated 27.10.2012 passed by the Judicial Magistrate 1st Class, Jalandhar in complaint No.COMA/3050051B/2009 filed under Section 247 of Cantonment Act, 2006. He fairly submits that in view of the judgment of the Hon'ble Supreme Court passed 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, Jalandhar with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. 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, Jalandhar forthwith.

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

(VINOD S. BHARDWAJ)
JUDGE

26.09.2025

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