

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

2025:PHHC:161404



CRM-A-340-2023 (O&M)
Date of decision: 19.11.2025

Tek Chand

...Applicant(s)

VERSUS

Omparkash

...Respondent(s)

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

Present :- Mr. Akshit Mehta, Advocate, for
Mr. Johan Kumar, 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 23.12.2022 passed by the Judicial Magistrate First Class, Hodal, in a case stemming from complaint CIS No.COMI/12 dated 21.02.2017 filed under Sections 420, 467, 468, 471 and 506 of the Indian Penal Code, 1860.

2 Even though there is a written request for an adjournment circulated on behalf of the counsel for the applicant-appellant, however, the matter pertains to the year 2023, hence, is taken up for disposal.

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, Palwal, 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, Palwal, forthwith.

6 Disposed of accordingly.

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

November 19, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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