

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

232

2025:PHHC:149597



CRM-A-379-2020.

Date of decision: 30.10.2025

Pitun Kumar Dubey

...Applicant(s)

VERSUS

Nidhi Thapiyal

...Respondent(s)

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

Present :- Mr. Ankush Kamboj, Advocate, (Legal-aid-counsel)
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 09.01.2020 passed by the learned Judicial Magistrate First Class, Faridabad stemming out from complaint No.NACT/4256/2017, filed under Section 138 of the Negotiable Instruments Act, 1881.

2 It is noticed that the instant application pertains to the year 2020, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Ankush Kamboj, Advocate, (PH-3263-2025; Mobile No.6280818077), 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 09.01.2020 passed by the Judicial Magistrate 1st Class, Faridabad, in complaint No.NACT/4256/2017 filed under Section 138 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 of Rs.8,00,000/- 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 09.01.2020.

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, Faridabad 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, Faridabad forthwith.

6 Disposed of accordingly.

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

October 30, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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