



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRA-AS-23-2022 (O&M)

Date of decision: 07.11.2025

JASWANT SINGH

...Applicant

VERSUS

BALDEV SINGH

...Respondent

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

Present :- Ms. Arsh Deep Kaur as Legal Aid Counsel,
for the appellant.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment of acquittal dated 11.04.2018 passed by the learned Additional Chief Judicial Magistrate, Moga stemming out from complaint case No. 32 dated 26.11.2014 filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant appeal pertains to the year 2022, however, no one has entered appearance on behalf of the appellant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Arsh Deep Kaur, Advocate, Enrollment No. 7499/2023 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. She has gone through the case file and submits that the present appeal has been filed against the judgment of acquittal dated 11.04.2018 passed by the learned Additional Chief Judicial Magistrate, Moga, in complaint case No. 32 dated 26.11.2014 filed under

Section 138 read with Section 142 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 appellant would have a remedy before the Court of Sessions.

3. The complaint (supra) was filed on the ground of dishonour of cheque issued by the accused-respondent bearing No. 131165 dated 25.09.2014 amounting to Rs. 1,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 11.04.2018.

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, Moga 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, Moga forthwith.

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

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

NOVEMBER 07, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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