



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

CRM-A-1325-2019 (O&M)

Date of decision: 22.09.2025

The Punia Cooperative NATC Society Limited, Hisar ...Appellant(s)

VERSUS

Om Parkash Chahal ...Respondent(s)

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

Present :- Mr. Gurmeet Singh, Advocate for the Appellant(s).
(Legal Aid Counsel).

VINOD S. BHARDWAJ, J. (Oral)

CRM-20651-2019

Prayer in the application is for condonation of delay of 263 days in filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed and delay of 263 days in filing the accompanying appeal is condoned.

Main case:

The present application has been preferred seeking grant of leave to appeal against the judgment of acquittal dated 22.02.2018 passed by the learned Judicial Magistrate 1st Class, Hisar, in a case stemming from complaint dated 08.06.2005/13.05.2010 filed under Section 138 of Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.1,98,000/-. After assessing all the material available on the



233

CRM-A-1325-2019 (O&M)

record, the learned trial Court acquitted the respondent(s) vide judgment dated 22.02.2018.

3. It is noticed that the instant application pertains to the year 2019, however, no one has entered appearance on behalf of the applicant(s), hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Gurmeet Singh, Advocate (PH-4991-24), who is present in the Court, is appointed as the Legal Aid Counsel to represent the case on behalf of applicant(s) 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 22.02.2018 passed by the Judicial Magistrate 1st Class, Hisar, in complaint dated 08.06.2005/13.05.2010 filed under Section 138 of Negotiable Instruments Act, 1881. 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, Hisar 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, Hisar forthwith.

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



233 CRM-A-1325-2019 (O&M)

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

(VINOD S. BHARDWAJ)
JUDGE

22.09.2025
Mangal Singh

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