



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-AS-115-2023 (O&M)
Date of decision: 29.10.2025

THE PUNJAB STATE CO-OPERATIVE SUPPLY AND MARKETING
FEDERATION LTD. (MARKFED)

...Applicant

VERSUS

VIJAY KUMAR

...Respondent

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

Present :- Mr. Sumit Tiwana, as Legal Aid Counsel.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed seeking grant of leave to appeal against the judgment of acquittal dated 01.09.2017 passed by the learned Additional Chief Judicial Magistrate, Ferozepur stemming out from complaint case No. 157 dated 04.07.2012 filed under Section 138/142 of the Negotiable Instruments Act, 1881 read with Section 420 of the IPC.

2. It is noticed that the instant appeal pertains to the year 2023, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Sumit Tiwana, Advocate, Enrollment No. PH-4168-2025, Mobile No. 9988880460 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 appeal has been filed against the



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judgment of acquittal dated 01.09.2017 passed by the Additional Chief Judicial Magistrate, Ferozepur, in complaint case No. 157 dated 04.07.2012 filed under Section 138/142 of the Negotiable Instruments Act, 1881 read with Section 420 of the IPC. 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 bearing no. 039260 dated 16.05.2012 amounting to Rs. 80,00,000/-, cheque bearing No. 039261 dated 16.05.2012 amounting to Rs. 81,50,000/- and cheque bearing No. 039262 dated 16.05.2012 amounting to Rs. 80,00,000/- 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 01.09.2017.

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, Ferozepur 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, Ferozepur forthwith.

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



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

OCTOBER 29, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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