

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

2025:PHHC:161411



CRM-A-460-2025 (O&M)
Date of decision: 19.11.2025

State through Railway Protection Force, Ambala Cantt.

...Applicant(s)

VERSUS

Anil Kumar

...Respondent(s)

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

Present :- Ms. Shalini Atri, Advocate, Senior Panel Counsel, Union of India
for the applicant-appellant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-11839-2024

Prayer in the present application is for condonation of delay of
315 days in filing the application for leave to appeal.

For the reasons mentioned in the application, the same is allowed
and delay of 315 days in filing application for leave to appeal is condoned.

Main case

The present application has been preferred under Section 419 (4)
of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 378(4) of the Code
of Criminal Procedure, 1973) seeking grant of leave to appeal against the
judgment of acquittal dated 31.01.2024 passed by the Special Railways
Magistrate, Haryana, at Ambala Cantt., in a case stemming from complaint

bearing CIS No.COMA/59/2021 C.C. No.1428 dated 09.11.2019 filed against the respondent-accused for having committed the offence under Section 143 of the Railways Act.

2 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.

3 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, Ambala, 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.

4 The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Ambala, forthwith.

5 Disposed of accordingly.

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

November 19, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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