



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-A-805-2022 (O&M)
Date of decision: 23.09.2025

M/s Kakkar Marketting

... Appellant(s)

VERSUS

M/s Parkash Metal & Allies and another

...Respondent(s)

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

Present :- Mr. Sanjeev Roy, Advocate for the Appellant(s)
(through V.C.).

VINOD S. BHARDWAJ, J. (Oral)

CRM-42421-2022

Prayer in the application is for condonation of delay of 91 days in filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed and delay of 91 days in filing the accompanying appeal is condoned.

Main case:

The present application has been preferred for seeking grant of leave to appeal against the order dated 12.12.2019 vide which the complaint in question was dismissed-in-default for want of prosecution by the learned Judicial Magistrate 1st Class, Jalandhar in a case stemming from complaint filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

2. Learned counsel for the appellant(s) 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



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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, Jalandhar 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.

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

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

(VINOD S. BHARDWAJ)
JUDGE

23.09.2025*Mangal Singh*

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