



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRA-AS-151-2023 (O&M)
Date of decision: 29.10.2025

M/S JATIN TRADERS

...Applicant

VERSUS

M/S MUNISH HOSIERY MILLS AND ANOTHER

...Respondent

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

Present :- Mr. Manas Bhatia as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment of acquittal dated 31.10.2018 passed by the Court of learned Judicial Magistrate First Class, Ludhiana stemming out from complaint No. 784 of 2013 dated 19.09.2013 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant appeal pertains to the year 2023, however, no one has entered appearance on behalf of the appellant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Manas Bhatia, Advocate, Enrollment No. PH/6203/2025, Mobile No. 9728785344 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 judgment of acquittal dated 31.10.2018 passed by the Court of Judicial Magistrate 1st Class, Ludhiana, in Complaint Case No. 784 of 2013 filed

under Section 138 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 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. 000837 dated 25.05.2013 amounting to Rs. 14,87,400/- 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 31.10.2018.

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, Ludhiana 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, Ludhiana 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.

OCTOBER 29, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

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