



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRA-AS-135-2019 (O&M)
Date of decision: 27.11.2025

Mahindra & Mahindra Financial Services Limited ... Appellant(s)

VERSUS

Sushil Kumar ...Respondent(s)

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

Present :- Mr. Nitin Thatai, Advocate for the appellant(s)
(through V.C.).

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been preferred against the judgment of acquittal dated 19.01.2016 passed by the learned Judicial Magistrate 1st Class, Panipat, in a case stemming from complaint dated 09.11.2011 filed under Section 138 of Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.3,98,820/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 19.01.2016.

3. 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 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 appeal is **remanded** to the learned Sessions Judge, Panipat with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023) 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, Panipat forthwith.
- 6. Disposed of accordingly.
- 7. Pending miscellaneous applications, if any, also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

27.11.2025
Mangal Singh

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