



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-A-1515-2025 (O&M)
Date of decision: 06.11.2025

POORNIMA BHADANA

...Applicant

VERSUS

KUMESH BIDHUDI AND ANOTHER

...Respondents

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

Present :- Mr. Puneet Sharma as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-39762-2025

Prayer in the application is for condonation of delay of 164 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 164 days in filing the appeal is condoned.

CRM-A-1515-2025

The present application has been preferred under Section 419(4) of the BNSS, 2023 seeking grant of leave to appeal against the judgment of acquittal dated 31.01.2025 passed by the learned Judicial Magistrate First Class, Faridabad stemming out from complaint dated 06.06.2019 filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

2. No one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Puneet

Sharma, Advocate, Enrollment No. PH/H227/2024, Mobile No. 94644-30013 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 application has been filed against the judgment of acquittal dated 31.01.2025 passed by the Judicial Magistrate 1st Class, Faridabad, in case NACT 3949-2019 filed under Section 138 read with Section 142 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 issued by the accused-respondent bearing No. 000016 dated 24.12.2018 amounting to Rs. 20,00,000/- and cheque bearing No. 000017 dated 24.01.2019 amounting to Rs. 20,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 31.01.2025.

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, Faridabad 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, Faridabad 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.

NOVEMBER 06, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No