



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

CRM-A-824-2024 (O&M)
Date of decision: 04.12.2025

Sh. Suresh

...Applicant(s)

VERSUS

Dharmender

...Respondent(s)

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

Present :- Ms. Madhvi Singla, Advocate for the applicant(s)
(Legal Aid Counsel).

VINOD S. BHARDWAJ, J. (Oral)

The present application has been preferred seeking grant of leave to appeal against the judgment of acquittal dated 12.03.2024 passed by the learned Sub Divisional Judicial Magistrate, Pataudi (Gurugram), in a case stemming from complaint dated 15.01.2018 filed under Section 138 of Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.35,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 12.03.2024.

3. It is noticed that the instant application pertains to the year 2024, however, no one has entered appearance on behalf of the applicant(s), hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Madhvi Singla, Advocate (PH/6377/2025 and Mob. No.81461-19355), who is present in the Court, is appointed as the Legal Aid Counsel to represent



the case on behalf of applicant(s) to arrive at a decision. She has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 12.03.2024 passed by the Sub Divisional Judicial Magistrate, Pataudi (Gurugram), in complaint dated 15.01.2018 filed under Section 138 of Negotiable Instruments Act, 1881. She 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 application seeking leave to appeal is remanded to the learned Sessions Judge, Gurugram 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, Gurugram 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.

(VINOD S. BHARDWAJ)
JUDGE

04.12.2025

Mangal Singh

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