



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

CRM-A-171-2023 (O&M)
Date of decision: 28.10.2025

KAMAL

...Applicant

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

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

Present :- Mr. N.K. Malhotra, Advocate for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-6042-2023

Prayer in the application is for condonation of delay of 254 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 254 days in filing the appeal is condoned.

CRM-A-171-2023

The present application has been preferred under Section 378(4) of the Code of Criminal Procedure, 1973 (hereinafter 'CR.P.C.') seeking grant of leave to appeal against the judgment of acquittal dated 05.03.2021 passed by the learned Judicial Magistrate, 1st Class Rohtak in a case stemming from criminal complaint dated 09.12.2023 filed under Section 323, 324, 406, 420, 506 read with Section 34 of the IPC.

2. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 05.03.2021.

3. Learned counsel appearing on behalf of the applicant 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.
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, Rohtak 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, Rohtak forthwith.
6. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.

OCTOBER 28, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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