



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-A-1895-2019

Date of decision: 17.09.2025

JASVIR SINGH

...Applicant

VERSUS

JUSAF THAPAR AND ANOTHER

...Respondents

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

Present :- Mr. Sumit Tiwana as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

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 order dated 29.04.2019 passed by the learned Sub Divisional Judicial Magistrate, Dasuya stemming out from complaint bearing No. COMI/92/15 filed under Section 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860.

2. It is noticed that the instant application pertains to the year 2029, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Sumit Tiwana, Advocate, Enrollment No. PH-4168, Mobile No. 9988880460 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 order dated 29.04.2019 passed by the Sub Divisional Judicial

Magistrate, Dasuya, in case CIS No. 92 /2015 filed under Section 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860. 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. After assessing all the material available on the record, the learned trial Court dismissed the complaint vide order dated 29.04.2019.

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, Hoshiarpur with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. 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, Hoshiarpur forthwith.

6. Disposed of accordingly.

7. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

(VINOD S. BHARDWAJ)
JUDGE

17.09.2025
Vishal Sharma

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