



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-A-1091-2023 (O&M)
Date of decision: 19.11.2025

Gulshan Kumar

...Applicant (s)

VERSUS

Kundan Lal

...Respondent(s)

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

Present :- Mr. Anish Kausal, Advocate for the applicant(s)
(Legal Aid Counsel).

VINOD S. BHARDWAJ, J. (Oral)

CRM-32925-2023

Prayer in the application is for condonation of delay of 14 days
in filing the accompanying appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 14 days in filing the accompanying appeal is condoned.

CRM-32926-2023.

Application is allowed as prayed for.

Main case:

The present application/appeal has been preferred seeking grant
of leave to appeal against the judgment of acquittal dated 16.05.2023 passed
by the learned Sub-Divisional Judicial Magistrate, Dabwali, Sirsa, in a case
stemming from complaint dated 29.01.2018 filed under Section 138 of
Negotiable Instruments Act, 1881.



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2. It is noticed that the instant application pertains to the year 2023, however, no one has entered appearance on behalf of the applicant(s), hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Anish Kausal, Advocate (PH/624/2025, Mob. No.99141-11154), 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. He has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 16.05.2023 passed by the Sub-Divisional Judicial Magistrate, Dabwali, Sirsa, in complaint dated 29.01.2018 filed under Section 138 of Negotiable Instruments Act, 1881. He 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.

3. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.1,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 16.05.2023.

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, Sirsa 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



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the record of the case to the learned Sessions Judge, Sirsa 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

19.11.2025
Mangal Singh

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