



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246 (2)

CRA-AS-240-2022 (O&M)
Date of decision: 28.10.2025

AMAR SINGH

...Applicant

VERSUS

USHA RANI

...Respondents

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

Present :- Ms. Samridhi Sareen, as Legal Aid Counsel
for the appellant.

Mr. Anjali Thakur, Advocate for
Mr. Namit Khurana, Advocate
for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed seeking grant of leave to appeal against the judgment of acquittal dated 10.07.2018 passed by the learned Judicial Magistrate First Class, Yamuna Nagar at Jagadhri stemming out from Criminal Complaint No. 1650 of 2016 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant appeal pertains to the year 2022, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Samridhi Sareen, Advocate 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. She has gone through the case file and submits that the present appeal has been filed against the judgment of acquittal dated 10.07.2018 passed by the Judicial



Magistrate 1st Class, Yamuna Nagar at Jagadhri, in Criminal Complaint No. 1650 of 2016 filed under Section 138 of the Negotiable Instruments Act, 1881. She 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 appellant 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. 291978 dated 10.08.2016 amounting to Rs. 1,50,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 10.07.2018.

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, Yamuna Nagar at Jagadhri 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, Yamuna Nagar at Jagadhri 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.

OCTOBER 28, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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