

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:135574



(241)

CRA-AS-176-2024

Date of Decision: 25.09.2025

Dalbir Singh Saroha

--Appellant

Versus

Vikas Vashishth

--Respondent

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

Present:- Mr. R.S. Chahal, Advocate for the appellant.

None for the respondent.

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 judgment of acquittal dated 19.05.2017 passed by the learned Judicial Magistrate 1st Class, Sonapat in a case stemming from criminal complaint no.4407 of 2013 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel appearing on behalf of appellant 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. The complaint (supra) was filed on the ground of dishonour of cheques of Rs.50,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment

dated 19.05.2017.

4. 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.

5. 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, Sonapat 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.

6. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Sonapat forthwith.

7. Disposed of accordingly.

Pending miscellaneous applications, if any, shall also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

25.09.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No