



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-A-2023-2019 (O&M)

Date of decision: 28.10.2025

RAJ KUMAR

...Applicant

VERSUS

DEEPAK KUMAR ALIAS VIPIN KUMAR

...Respondent

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

Present :- Mr. Jasbir Singh Bazzad, as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-26669-2019

Prayer in the application is for condonation of delay of 16 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 16 days in filing the appeal is condoned.

CRM-A-2023-2019

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 13.06.2019
passed by the learned Judicial Magistrate First Class, Kaithal stemming out
from complaint dated 16.08.2017/12.09.2018 filed under Section 138 and
142 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year
2019, however, no one has entered appearance on behalf of the applicant,

hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Jasbir Singh Bazzad, 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 judgment of acquittal dated 13.06.2019 passed by the Judicial Magistrate 1st Class, Kaithal, in case CIS No. NI Act-819 of 2017 filed under Section 138/142 of the Negotiable Instruments Act, 1881. 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. The complaint (supra) was filed on the ground of dishonour of cheque issued by the accused-respondent bearing No. 12696 dated 25.06.2017 amounting to Rs. 71,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 13.06.2019 .

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, Kaithal 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, Kaithal 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