

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

2025:PHHC:156768



CRM-A-1173-2023 (O&M)
Date of decision: 12.11.2025

M/S Kanishak Enterprises

...Applicant(s)

VERSUS

Sanjiv Aggarwal and another

...Respondent(s)

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

Present :- Mr. Lokesh Garg, Advocate, for
Mr. Kushagra Mahajan, Advocate,
for the applicant-appellant.

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 08.05.2023 passed by the Judicial Magistrate First Class, Amritsar, in a case stemming from complaint bearing No.NACT/8231 of 2017 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.10,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 08.05.2023.

3. 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.

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, Amritsar, with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (now 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 the record of the case to the learned Sessions Judge, Amritsar, forthwith.

6. Disposed of accordingly.

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

November 12, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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