



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239

CRM-A-1135-2024 (O&M)
Date of decision: 27.11.2025

M/S RAJINDER KUMAR SUSHIL KUMAR COMMISSION AGENT

...Applicant

VERSUS

M/S TIKA RAM RAJENDER KUMAR COMMISSION AGENT AND
ANOTHER

...Respondents

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

Present :- Ms. Niyati Dhiman as Legal Aid Counsel,
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-33227-2024

Prayer in the application is for condonation of delay of 315 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 315 days in filing the appeal is condoned.

CRM-A-1135-2024

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 31.07.2023 passed by the learned Sub Divisional Judicial Magistrate, Gohana stemming out from complaint CIS No. COMA-238-2016 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2024, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Niyati Dhiman, Advocate, Enrollment No. PH/6455/2025, Mobile No. 8059299019 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 application has been filed against the judgment of acquittal dated 31.07.2023 passed by the Sub Divisional Judicial Magistrate, Gohana, in case CIS No. COMA-238-2016 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 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. 66076 dated 31.05.2016 amounting to Rs. 10 lakh. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 31.07.2023.

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, Sonapat 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, Sonapat 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.

NOVEMBER 27, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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