



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRM-A-2267-MA-2016 (O&M)

Date of decision: 26.11.2025

CHETAN CHAWLA

...Applicant

VERSUS

RAHUL GHAI

...Respondent

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

Present :- Ms. Bhawna Kumari, Advocate with
Mr. Namit Khurana, Advocate
for the applicant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-40192-2016

Prayer in the application is for condonation of delay of 05 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 05 days in filing the appeal is condoned.

CRM-A-2267-MA-2016

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 06.09.2016
passed by the learned Judicial Magistrate, 1st Class Yamuna Nagar at
Jagadhari in a case stemming from criminal complaint dated 29.08.2013
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.1,30,000/- After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 06.09.2016.

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, Yamuna Nagar at Jagadhari with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (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 Jagadhari forthwith.

6. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 26, 2025
Vishal Sharma

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