

233 CRM-A-387-MA-2016

Raj Kaur vs. Kashmir Singh and others

Present: Mr. Nonish Kumar, Advocate
for the applicant.

Mr. Lekh Raj Sharma, Advocate and
Mr. Abhishek Sharma, Advocate
for respondents No.1 to 5.

Mr. Birender Bikram Attray, AAG, Haryana.

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Applicant's counsel submits that in this case, private respondents were convicted by the trial Court and acquitted by the Sessions Court i.e. First Appellate Court and therefore, this appeal cannot be transferred to the Sessions Court in view of the judgment passed by the Supreme Court of India in **Celestium Financial vs. A. Gnanasekaran, 2025(3) RCR(Criminal) 208, decided on 08.04.2025**. Applicant's counsel further submits that the present application was filed against acquittal in the year 2014 by the Appellate Court and he has a very good case on merit.

Counsel appearing for the private respondents submits that the judgment of acquittal is well reasoned and leave to appeal should not be granted. He further submits that in case, this Court grants leave to appeal and admit the main appeal, its turn will not come for hearing for decades, as such pendency of the appeal may be treated in-consequential for the respondent.

Leave to appeal granted.

Counsel for the respondent submits that he be exempted from furnishing bail bonds/surety bonds before the concerned trial Court or Chief Judicial Magistrate. He undertakes to surrender before the majesty of Court as and when this Court would direct to do so or in case of reversal of the judgment.

Given such undertaking, there shall be no need to furnish bail bonds/surety bonds by the respondent.

Main appeal

Admit.

List for final hearing on its own turn as per its queue following the roster.

It is clarified that the pendency of this appeal shall be in-consequential for any purpose.

(ANOOP CHITKARA)
JUDGE

24.09.2025
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