

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2025:PHHC:135594



(233)

CRM-A-583-MA-2014

Date of Decision: 25.09.2025

District Appropriate Authority-cum-Civil
Surgeon Jalandhar

--Appellant

Versus

Varish Kumar

--Respondent

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

Present:- Mr. Binderjit Singh, Advocate for the appellant.

Ms. Gursimran Kaur, Advocate for
Mr. Puneet Sharma, Advocate for the respondent.

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 23.02.2011 passed by the learned Chief Judicial Magistrate, Jalandhar in a case stemming from criminal complaint no.37/2/2008 filed under Section 23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 as amended by the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002.

2. Learned counsel appearing on behalf of appellant 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. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 23.02.2011.

4. 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.

5. 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, Jalandhar with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. and entrust the same to appropriate Court for its disposal on merits.

6. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Jalandhar forthwith.

7. Disposed of accordingly.

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

(VINOD S. BHARDWAJ)
JUDGE

25.09.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No