



CRM-A-1518-2023 (O&M)

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

239

**CRM-A-1518-2023 (O&M)
Date of decision: 04.11.2025**

Anguri Devi

...Appellant(s)

VERSUS

Gagandeep @ Happy

...Respondent(s)

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

Present :- Mr. Anish Kansal, Advocate, (Legal-aid-counsel)
for the appellant.

Mr. Harsh Jain, Advocate and
Mr. Ajay Tayal, 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 19.09.2023 passed by the learned Sub Divisional Judicial Magistrate Tohana, District Fatehabad, stemming out from criminal complaint bearing No. HRFTB1-001438-2019 dated 18.10.2019, CIS No.NI Act 323 of 2019, filed under Section 138 of the Negotiable Instruments Act, 1881.

2 No one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Anish Kansal, Advocate, (PH-624-2025), 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. He has gone through the case file and submits that the present application has been filed against

the judgment of acquittal dated 19.09.2023 passed by the learned Sub Divisional



Judicial Magistrate, Tohana, District Fatehabad, stemming out from criminal complaint bearing No. HRFTB1-001438-2019 dated 18.10.2019, CIS No.NI Act 323 of 2019, filed under Section 138 of the Negotiable Instruments Act, 1881. He 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 amounting to Rs.5,00,000/- issued by the accused-respondent. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 19.09.2023.

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, Fatehabad 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, Fatehabad forthwith.

6 Disposed of accordingly.

7 A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

November 04, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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