



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

245

CRM-A-2803-2019 (O&M)  
Date of decision: 28.10.2025

M/S. N.S. FACILITIES

...Applicant

VERSUS

M/S. SAMEER UDYOG AND ANOTHER

...Respondent

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

Present :- Mr. Govind Arora as Legal Aid Counsel,  
for the applicant.

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**VINOD S. BHARDWAJ, J. (Oral)**

**CRM-38748-2019**

Prayer in the application is for condonation of delay of 29 days  
in filing the appeal.

For the reasons mentioned in the application, the same is  
allowed and delay of 29 days in filing the appeal is condoned.

**CRM-A-2803-2019**

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 05.08.2019  
passed by the learned Judicial Magistrate First Class, Faridabad stemming  
out from complaint dated 11.07.2017 filed under Section 138 of the  
Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year  
2019, however, no one has entered appearance on behalf of the applicant,

hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Govind Arora, 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 05.08.2019 passed by the Judicial Magistrate 1st Class, Faridabad, in case CIS No. 3378 of 2017 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 cheques issued by the accused-respondent bearing No. 517596 and 517596 amounting to Rs. 7,00,000/- each. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 05.08.2019.

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, Faridabad 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, Faridabad 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.

OCTOBER 28, 2025  
*Vishal Sharma*

(VINOD S. BHARDWAJ)  
JUDGE

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