



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240

CRM-A-2152-MA-2018 (O&M)

Date of decision: 29.10.2025

MUNISH BHATIA

...Applicant

VERSUS

PARVINDER SINGH

...Respondent

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

Present :- Ms. Pavneet Kaur as Legal Aid Counsel,
for the applicant.

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 04.07.2018 passed by the learned Judicial Magistrate First Class, Jalandhar stemming out from complaint dated 31.07.2015 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2018, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Ms. Pavneet Kaur, Enrollment No. PH/10664/2025, Mobile No. 7009641395, 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. She has gone through the case file and submits that the present application has been filed against the judgment of acquittal dated 04.07.2018 passed by the Judicial Magistrate 1st Class, Jalandhar, in case CIS No. NACT/1968/15 filed under Section

138 of the Negotiable Instruments Act, 1881. Shes 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 No. 022988 dated 15.05.2015 of Rs. 25,000/-, cheques No. 022989 dated 15.05.2015 of Rs. 25,000/- and No. 022990 dated 15.05.2015 of Rs. 25,000/- 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 04.07.2018.

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, Jalandhar 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, Jalandhar 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.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 29, 2025

Vishal Sharma

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