



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-A-1523-2024 (O&M)
Date of decision: 12.11.2025

DHARAMBIR

...Applicant

VERSUS

KAMAL KISHORE

...Respondent

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

Present :- Mr. Kartik Mittal as Legal Aid Counsel,
for the applicant.

Mr. Ankur Kaushik, Advocate for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

CRM-46342-2024

Prayer in the application is for condonation of delay of 31 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and delay of 31 days in filing the appeal is condoned.

CRM-A-1523-2024

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 22.07.2024
passed by the learned Judicial Magistrate First Class, Faridabad stemming
out from complaint dated 03.08.2013 filed under Section 138 of the
Negotiable Instruments Act, 1881 and Section 420 of the Indian Penal Code,
1860.

It is noticed that the instant application pertains to the year

2024, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Kartik Mittal, Advocate 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 22.07.2024 passed by the Judicial Magistrate 1st Class, Faridabad, in case bearing No. NACT/874-2014 filed under Section 138 of the Negotiable Instruments Act, 1881 and Section 420 of the Indian Penal Code, 1860. 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.

2. The complaint (supra) was filed on the ground of dishonour of cheque issued by the accused-respondent bearing No. 523824 dated 18.06.2013 amounting to Rs. 10,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 22.07.2024.

3. 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.

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

- 5. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.
- 6. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action.

NOVEMBER 12, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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