



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-A-1762-2023

Date of decision: 17.09.2025

SHRI RAM TRANSPORT FINANCE CO. LTD

...Applicant

VERSUS

JAGTAR SINGH

...Respondent

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

Present :- Mr. Jitesh Rana 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 21.09.2023 passed by the learned Judicial Magistrate First Class, Sri Muktsar Sahib stemming out from complaint CIS No. NIACT/424/2020 filed under Section 138 of the Negotiable Instruments Act, 1881.

2. It is noticed that the instant application pertains to the year 2020, however, no one has entered appearance on behalf of the applicant, hence, it is deemed expedient to nominate a Legal Aid Counsel. Mr. Jitesh Rana, Advocate, Enrollment No. PH/3281/2025, Mobile No. 9478472289 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 21.09.2023 passed by the Judicial Magistrate 1st Class, Sri Muktsar Sahib, in case CIS No.

NIACT/424/2020 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 issued by the accused-respondent bearing No. 473404 for a sum of Rs. 1,50,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 21.09.2023.

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, Sri Muktsar Sahib 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.

5. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Sri Muktsar Sahib 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

17.09.2025

Vishal Sharma

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