

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2025:PHHC:151388



CRA-AS-436-2024 (O&M)
Date of decision: 03.11.2025

Dheeraj Sharma

...Applicant(s)

VERSUS

Gaurav Pahuja

...Respondent(s)

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

Present :- Mr. Shub Karman, Advocate,
for the appellant.

Ms. Tanveer Kaur, Advocate,
for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

Application 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 12.08.2016 passed by the Judicial Magistrate First Class, Gurgaon, in a case stemming from criminal complaint bearing No.CIS/2343 of 2015 filed under Section 138/142 of the Negotiable Instruments Act, 1881 was allowed vide order dated 28.11.2024 and leave to appeal was granted.

2. Learned counsel appearing on behalf of the appellant 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. In view of the above, present case is **remanded** to the learned Sessions Judge, Gurugram, who will be at liberty to 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, Gurugram, forthwith.

5. Disposed of accordingly.

6. Pending miscellaneous applications, if any, also stand disposed of.

November 03, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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