



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

233-2

CRA-S-3883-SB-2014 (O&M)

Date of decision: 27.01.2026

M/s. Harsh Enterprises Private Limited

... Appellant(s)

VERSUS

M/s Fabirs and others

...Respondent(s)

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

Present :- Mr. D.K. Tuteja, Advocate for the appellant(s).

Mr. Jatin Sardana, Advocate for
Mr. Nischal Chetanya Manchanda, Advocate
for the respondent(s) No.2 and 4.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been filed against the judgment of acquittal dated 28.09.2012 passed by the learned Judicial Magistrate 1st Class, Faridabad, in a case stemming from complaint (case No.4928 of 24.10.2009) filed under Sections 138, 141 and 142 of Negotiable Instruments Act, 1881 and Section 420 of the Indian Penal Code, 1860.

2. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.4,50,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 28.09.2012.

3. Learned counsel for the appellant(s) fairly submits that in view of the judgment of the Hon'ble Supreme Court passed in *M/s. Celestium Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208*, the

appellant would have a remedy before the Court of Sessions.

4. In view of the judgment rendered by the Apex Court in ***Celestium Financial (supra)***, the present 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. (Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023) 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.

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

(VINOD S. BHARDWAJ)
JUDGE

27.01.2026

Mangal Singh

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