IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR LEAVE TO APPEAL) NO. 5269 of 2025
In
F/CRIMINAL APPEAL NO. 5857 of 2025

==========

IRFAN MASHAFI KOTHARI PROP. OF BARKAT BORWEL
Versus
STATE OF GUJARAT & ANR.

==========

Appearance:
MR BHAVESH J PATEL(6801) for the Applicant(s) No. 1
MR YUVRAJ BRAHMBHATT, APP for the Respondent(s) No. 1

==========

CORAM:**HONOURABLE MR.JUSTICE SANJEEV J.THAKER**
Date : 05/12/2025
ORAL ORDER

1. This is an application filed for seeking leave to appeal against the judgment and order of acquittal dated 25.09.2024 passed by learned Additional Chief Judicial Magistrate, Santrampur, Mahisagar in Criminal Case No.1441 of 2022.

2. Learned advocate for the applicant seeks permission to withdraw the present application as well as connected appeal to file appeal before the concerned Court, in view of the judgment of the Apex Court in case of M/s. Celestium Financial V.A. Gnanasekaran arising out of Special Leave Petiton (Cri.) Nos.137 – 139 / 2025, with the liberty that the period that may be consumed may not be counted as delay in filing such appeal.

3. In view of the above, permission as prayed for, is granted. The applicant can file appropriate appeal before the concerned Court. The present application as well as connected appeal are disposed of as withdrawn, with the aforesaid liberty with a rider that, after withdrawl of the present application and the appeal, necessary proceedings be initiated / filed within a period of four months from the date of receipt of copy of this order. It is clarified that the period that may be consumed in filing the present appeal may not be counted as delay in filing such appeal before the concerned Court.

(SANJEEV J.THAKER,J)

Manoj Kumar Rai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANOJKUMAR RAI(HC01072), PRIVATE SECRETARY, at High Court of Gujarat on 05/12/2025 15:21:07