



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CRIMINAL APPEAL NO. 762 OF 2023

KISAN DADA SONAWANE

VERSUS

SANJAY HARI GAIKWAD AND ANOTHER

...

Advocate for Appellant : Mr. Akshay D. Kulkarni (through VC)

Advocate for Respondents : Mr. Swapnil Vijendrakumar Lohiya

...

918 CRIMINAL APPEAL NO. 763 OF 2023

BHAUSAHEB DADA SONAWANE

VERSUS

SANJAY HARI GAIKWAD AND ANOTHER

...

Advocate for Appellant : Mr. Akshay D. Kulkarni (through VC)

Advocate for Respondents : Mr. Swapnil Vijendrakumar Lohiya

...

938 CRIMINAL APPEAL NO. 121 OF 2021

PRAKASH S/O CHIMAJI SHIRSATH

VERSUS

DIPAK @ DILIP S/O SHIVLAL GUGALE

...

Advocate for Appellant : Mr. Akshay D. Kulkarni (through VC)

Advocate for Respondent : Mr. Uday S. Malte

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 18 NOVEMBER 2025

PER COURT :-

1. Learned counsel tenders across the bar a copy of the order dated 13.10.2025 passed by this Court (Coram : Sushil M. Ghodeswar, J.) whereby, in view of the Hon'ble Supreme Court's decision in *Celestium Financial v. Ganasekaran Etc.* [(2025) SCC OnLine SC 1320], Criminal Appeal No. 778 of 2004 along with other

appeals have been transferred to the District and Sessions Court. Learned counsel for the appellants points out that in the instant appeals also, orders of acquittal from offence under Section 138 of the Negotiable Instrument Act have been challenged. He therefore submits that he would contest the appeal before learned Sessions Court and hence urges to transfer the instant appeals to the District and Sessions Court.

2. In view of the above, the following order is passed :

ORDER

I. The present proceedings be transferred to the concerned District and Sessions Court. Learned Registrar (Judicial) of this Court to take further necessary action for transferring these matters to the concerned District and Sessions Court, immediately.

II. The learned Trial Court to whom these matters will be assigned, after registering it, shall issue notice to the concerned parties, and thereafter, proceed further with the matters in accordance with law.

III. The concerned Trial Court shall treat these matters as appeals under proviso to Section 372 of the Code of Criminal Procedure as per the observations of the Hon'ble Supreme Court in the case of *Celestium Financial* (supra).

[ABHAY S. WAGHWASE, J.]