



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO. 46 OF 2024

KUKADI SAHAKARI SAKHAR KARKHANA LTD. THROUGH PRAMOD
VITTHAL PAWAR
VERSUS
YOGESH SUBHASH BORUDE

.....
Advocate for Appellant : Mr. Sohail Subhedar h/f. Mr. Nilesh S. Ghanekar
Advocate for Respondent : Mr. Devdatt P. Palodkar
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 18 DECEMBER 2025

PER COURT :

1. Learned counsel for the applicant points out that, the instant application has been preferred seeking leave to file appeal against the order of acquittal from offence under Section 138 of the Negotiable Instruments Act. He prays that, now, in view of the decision of the Hon'ble Supreme Court in *Celestium Financial v. Ganasekaran Etc. [(2025) SCC OnLine SC 1320]*, he would contest the appeal before learned District and Sessions Court and hence urges that, the same be transferred to the District 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 this matter to the concerned District and Sessions Court, immediately.

- II. The learned Trial Court to whom this matter will be assigned, after registering it, shall issue notice to the concerned parties, and thereafter, proceed further with the matter in accordance with law.
- III. The concerned Trial Court shall treat this matter as appeal 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).
- IV. Learned District and Sessions Judge to exclude the period spent in prosecuting instant leave application before this Court while calculating the period of limitation.

(ABHAY S. WAGHWASE, J.)