

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1337 OF 2011**

Abhijitdada Kadam OOS Utpadak And  
OOS Todani Wahtuk Sahakari Sansth Maryadit ...Appellant  
Versus  
Tukaram Vithoba Kodolkar And Anr. ...Respondents

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Mr. Mahindra Deshmukh, Advocate for Appellant.

Mr. A. S. Shalgaonkar, APP for the Respondent-State.

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**CORAM : SHIVKUMAR DIGE, J.**  
**DATE : 12<sup>th</sup> NOVEMBER, 2025**

**P.C.**

1. Heard learned counsel for Appellant and learned APP for the Respondent No.2-State.
2. Learned counsel for Appellant on instructions seeks leave to withdraw this appeal with liberty to file appeal before the learned Sessions Court as per the view of the **Hon'ble Apex Court in the case Celestium Financial Vs. Ghanasekaran Etc<sup>1</sup>**.
3. Considering the submission of learned counsel for Appellant, Appeal is allowed to be withdrawn with aforesaid liberty.
4. Appeal is dismissed and disposed of as withdrawn.
5. Learned Sessions Court shall consider the delay, if appeal is filed as application was pending before this Court.

**(SHIVKUMAR DIGE, J.)**

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**1 2005 SC 2099**