

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

CRIMINAL APPEAL NO. 835 OF 2017

S.P.S. Scrubing System Represented Through Appellant
Partner Tulshiram Balvant Shinde

Versus

Sushant Mahadev Patil And Anr. Respondents

Mr. Mahindra Deshmukh, Advocate for the Appellant.

Mr. Rahul V. Mane, Advocate for Respondent No.1.

Mr. S. S. Chaudhari, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th 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 Etc¹.**

3. Considering the submission of learned counsel for

1 2005 SC 2099

Appellant, appeal is allowed to be withdrawn with aforesaid liberty.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 Appeal is dismissed and disposed of as withdrawn.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.)