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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (ST) NO. 289 OF 2019
(Leave to file appeal)
WITH
CRIMINAL APPLICATION NO. 914 OF 2019
IN
CRIMINAL APPLICATION (ST) NO. 289 OF 2019
(Leave to file appeal)

Prakash Bhaskar Panchakshari … Applicant
vs.
Jagdish Deoram Patil and Anr … Respondents

Mr. Sachin Gite, for the Applicant
Mr. D.J. Haldankar, APP for the Respondent-State.

CORAM : GAURI GODSE, J.
DATED : 19th DECEMBER 2025

ORDER:

1. This application is filed by the original complainant under Section 378(4) of the Criminal Procedure Code, seeking leave to file appeal. The applicant is the complainant in the complaint filed under Section 138 of The Negotiable Instruments Act, 1881. By the impugned order respondent no. 1, is acquitted.

VARSHA VIJAY RAJGURU
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Date: 2025.12.20 16:07:40 +0530

2. Learned counsel for the applicant submits that in view of the recent decision of the Hon'ble Apex Court in the case of ***M/s. Celestium Financial Versus. A. Gnanasekaran***[1], the applicant would be entitled to file an appeal under Section 372 of Code of Criminal Procedure. He therefore seeks leave to withdraw this application with liberty to file an appeal under Section 372 of Cr.P.C. in the Sessions Court. Learned counsel for the applicant submits that the applicant be granted benefit of the period of pendency of this application for seeking condonation of delay.

3. In view of the legal principles settled in the decision of the Hon'ble Apex Court, the applicant is granted leave to withdraw this application with liberty to file an appeal under Section 372 of Cr.P.C. before the Sessions Court.

4. There is a delay in filing the application. Hence, Criminal Application No. 914 of 2019 is filed by the applicant for condonation of delay. The main application and application for condonation of delay is filed in this court on 18th June 2019. Hence, it is clarified that if an appeal under Section 372 of Cr.P.C. is filed within eight weeks from today, the applicant shall be entitled to seek benefit of the period of pendency of this application for seeking condonation of delay in filing the appeal before the Sessions Court.

1 2025 SCC OnLine SC 1320

5. Learned advocate for the applicant is permitted to take back certified copy of the impugned order for filing the appeal in the Sessions Court, on submitting a photocopy of the impugned order. Registry shall verify the photocopy and return the certified copy to the learned advocate for the applicant.

6. The Application is disposed of as withdrawn subject to the aforesaid liberty.

t(GAURI GODSE, J.)