

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

**CRIMINAL APPLICATION NO. 87 OF 2025
(FOR LEAVE TO FILE APPEAL)**

Sanmati Nagari Sahakari Patsanstha

Ltd Through Deepak

Chandrakant Nimbalkar

...Applicant

Vs.

Atul Sharad Doshi And Anr.

...Respondents

Mr. Ratan Adhe i/by Mr. Pankaj P. Deokar	Advocate for the Applicant
Mr. B. V. Holambe-Patil	APP for the Respondent-State
Adv. Sheikhar Jagtap i/by J. Shekhar Associates	Advocate for the Respondent No. 1

CORAM : S. M. MODAK, J.

DATE : 11th JUNE 2025

P. C. :-

1. There is judgment of acquittal for the offence punishable under Section 138 of the Negotiable Instruments Act. That is why Complainant seeking leave to prefer an Appeal. Learned Advocate Shri Jagtap undertakes to file vakalatnama.

2. Recently, the Hon'ble Supreme Court in case of M/s. Celestium

Financial Vs. A. Gnanasekaran etc.,¹ observed that the Complainant under Section 138 of the Negotiable Instruments Act cases falls within the meaning of the victim and as such leave is not required as per the provisions of Section 378 of the Criminal Procedure Code. Now it needs to be seen whether these observations are applicable to the pending proceedings and whether it needs to be transferred to the District Court.

3. Matter be kept on **18th June 2025**.

[S. M. MODAK, J.]

1 2025 SCC Online SC 1320