

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

APPLICATION FOR LEAVE TO APPEAL (PVT.) NO.31 OF 2024

Rahul Shelar

....Applicant

V/S

Bhupen N. Momaya & Anr.

....Respondents

Mr. Rajesh Sahani with Ms. Reshma Nair i/b Mr. Vijayprakash Yadav
for the Applicant.

Ms. Ranjana D. Humane, APP *for Respondent No.2/State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 24 NOVEMBER 2025.

P.C.:

1. The learned counsel appearing for the Applicant/Appellant, on instructions, seeks leave of the Court to withdraw the Application and the Appeal with liberty to file Appeal under the Proviso to Section 372 of the Criminal Procedure Code, 1973/Section 413 of Bharatiya Nagarik Suraksha Sanhita, 2023 before the Sessions Court in view of judgment of the Apex Court in *Celestium Financial vs. A. Gnanasekaran Etc.*¹.

2. Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.

3. If Appeal is filed before the Sessions Court within a period of eight weeks, the Appellant/Applicant shall be entitled to the benefit of Section 14 of the Limitation Act, 1963.

¹ 2025 SCC OnLine SC 1320

4. Registry shall return the original certified copy of the impugned order to the Applicant.

Digitally
signed by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2025.11.26
14:07:19
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(SANDEEP V. MARNE, J.)