

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

**APPLICATION FOR LEAVE TO APPEAL (PVT.) NO.40 OF 2024**

Malan Moreshwar Gawade

....Applicant

V/S

State of Maharashtra & Anr.

....Respondents

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**Mr. Abhilasha Pawar** with Mr. Aniket Nikam i/b Mr. Amit Icham *for the Applicant.*

**Mr. Vinit A. Kulkarni, APP** *for Respondent/State.*

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**CORAM : SANDEEP V. MARNE, J.**

**DATE : 10 DECEMBER 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.*<sup>1</sup>.

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 Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.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

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<sup>1</sup> 2025 SCC OnLine SC 1320

4. Registry to return certified copy of the impugned orders to the Applicant.

**(SANDEEP V. MARNE, J.)**

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