

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

APPLICATION FOR LEAVE TO APPEAL (PVT.) NO.111 OF 2024

Girijashankar Diwakar Mishra
V/S

....Applicant

Manoj Kumar Mishra & Anr.

....Respondents

Ms. Shivani S. Kundekar *for the Applicant.*

Mr. Vinit A. Kulkarni, APP *for Respondent No.2/State.*

**CORAM : SANDEEP V. MARNE, J.
DATE : 6 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 Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.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.

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(SANDEEP V. MARNE, J.)