

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

APPLICATION FOR LEAVE TO APPEAL (PVT.) NO.124 OF 2025

Vivam Agrotech
V/S

....Applicant

Vrindavan Nursery & Anr.

....Respondents

Mr. Girish Paryani i/b M/s. ALG Legal Associates LLP *for the Applicant.*

Ms. Nimksha Sharma i/b Mr. Srikrishna Ganbayle for Respondent No.1.

Mr. Kiran C. Shinde, APP for Respondent No.2/State.

**CORAM : SANDEEP V. MARNE, J.
DATE : 15 OCTOBER 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 Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.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 four weeks, the Appellant/Applicant shall be entitled to the benefit of Section 14 of the Limitation Act, 1963.

(SANDEEP V. MARNE, J.)