

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

Criminal Application No.129 of 2025
(FOR LEAVE TO FILE APPEAL)

Maruti Sopan Jagdale ... Applicant
V/s.
Vinod Shivling Gote ... Respondent

Ms. Divya Bhatia i/b. Onkar Wable	Advocate for the Applicant
Mr. H.J. Dedhia	APP for the State.

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CORAM : S.M. MODAK, J

DATE : 12th June 2025.

P.C. :

Leave is sought to prefer an Appeal against the judgment of acquittal for an offence punishable under Section 138 of the Negotiable Instrument Act.

2. Recently, the Hon'ble Supreme Court in the case of **M/s. Celestium Financial vs. Gnanasekaran etc.**¹ observed that the Complainant under Section 138 of the Negotiable Instrument Act falls within the meaning of the victim and further observed that leave to prefer an appeal under Section 378(4) of Criminal Procedure Code is not required.

1 2025 SCC Online SC 1320

3. It needs to be seen what will be the effect of the judgment, that is to say, whether the Appeal is required to be transferred to the Sessions Court and second, about applicability of this judgment to the proceedings filed after this judgment or to pending matters also.

4. Stand over to **10th July 2025.**

(S.M. MODAK, J.)