



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

APPLICATION FOR LEAVE TO APPEAL (PVT) NO.163 OF 2024

MS Shri Ram Samarth Builders and
Developers through its proprietor Shri
Prashant Kashinath Dongre

...Applicant

V/s.

MS Gagangiri Homes Trthrough its
proprietor Hareshwar Kathod Koli and
Ors.

...Respondents

**WITH
APPLICATION FOR LEAVE TO APPEAL (PVT) NO.168 OF 2024**

MS Shri Ram Samarth Builders and
Developers through its proprietor Shri
Prashant Kashinath Dongre

...Applicant

V/s.

MS Gagangiri Homes Trthrough its
proprietor Hareshwar Kathod Koli and
Ors.

...Respondents

**WITH
APPLICATION FOR LEAVE TO APPEAL (PVT) NO.169 OF 2024**

MS Shri Ram Samarth Builders and
Developers through its proprietor Shri
Prashant Kashinath Dongre

...Applicant

V/s.

MS Gagangiri Homes Trthrough its
proprietor Hareshwar Kathod Koli and
Ors.

...Respondents

**WITH
APPLICATION FOR LEAVE TO APPEAL (PVT) NO.172 OF 2024**

MS Shri Ram Samarth Builders and
Developers through its proprietor Shri
Prashant Kashinath Dongre

...Applicant

V/s.

MS Gagangiri Homes Through its
proprietor Hareshwar Kathod Koli and
Ors.

...Respondents

Mr. Rajesh s. Datar *for the Applicant.*

Mr. Vinit Kulkarni, *APP for Respondent No.1-State in
ALP/2097/2023*

Ms. Ranjana Humane, *APP for Respondent No.1-State in
ALP/2098/2023, ALP/163/2024, ALP/168/2024, ALP/169/2024,
ALP/172/2024*

CORAM: SANDEEP V. MARNE, J.

DATED: 4 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.***¹

¹ 2025 SCC OnLine SC 1320

- 2) Reserving the liberty as prayed for, the Applications and Appeals are permitted to be **withdrawn and disposed of**.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.
- 4) Registry shall return the certified copy of the impugned order to the Applicant.

[SANDEEP V. MARNE, J.]