

SHUBHA
SADANAND
CHAVAN

Digitally signed
by SHUBHA
SADANAND
CHAVAN
Date:
2025.12.09
17:33:24 +0530

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

**APPLICATION FOR LEAVE TO APPEAL (PVT.)
NO. 173 OF 2024**

Nilesh Laxman Naik

...Applicant

Versus

Parth Developers

...Respondent

Mr. Ashutosh Gaikwad, (*through V.C.*) *a/w. Santosh Tiwari*
for the Applicant.

Ms. Ranjana D. Humane, *APP for the Respondent / State.*

CORAM : SANDEEP V. MARNE, J.
DATE : 8 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- 2) Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.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.
- 4) Registry to return certified copy of the impugned orders to the Applicant.

(SANDEEP V. MARNE, J.)