

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

APPLICATION FOR LEAVE TO APPEAL (PVT.) NO.212 OF 2024

Babubhai Kachrabhai Nistry HUF

....Applicant

V/S

Nisar Baban Sheikh

....Respondent

Ms. Harshada Morey i/b Mr. Meet Rajpopat *for the Applicant.*

CORAM : SANDEEP V. MARNE, J.

DATE : 19 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 Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.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.

(SANDEEP V. MARNE, J.)

SUDARSHAN
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KATKAM

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