

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

Application for Leave to Appeal No.222 of 2024
With
Application for Leave to Appeal No.226 of 2024

Chhaya Pralhad Gaikwad ... Applicant.

V/s.

Samarth Krupa Developers ... Respondents.

Mr. Mohd. Akram Bastivi	Advocate for the Applicant.
Ms. Preeti S.G. i/b. Jatin P. Karida (Shah)	Advocate for Respondent No.1 through v.c.
MR. C.D. Mali	APP for the State.

CORAM : S.M. MODAK, J

DATE : 26th June 2025.

P.C. :

This is the leave application to challenge the judgment of acquittal for an offence punishable under Section 138 of the Negotiable Instrument Act. As per the judgment of Hon'ble Supreme Court in the case of *M/s. Celestium Financial v/s. A.Gnanasekaran etc.*¹ leave to prefer an appeal is not required. An Appeal can be filed under proviso to Section 372 of Cr.P.C. before the Sessions Court.

2. Learned Advocate for the Appellant seeks direction to transfer these proceedings to City Civil and Sessions Court, Greater Mumbai.

The Respondent No.1 -accused is present. His Advocate appeared through video conferencing and seeks time to file Vakalatnama.

3. The present applications are disposed of with liberty to move the Sessions Court. Liberty is also granted to pray for condonation of delay, if any.

(S.M. MODAK, J.)