

ANAND
SUDHAKAR
SUDAME

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3896 OF 2025

Ritesh Kritikumar Shah

.Petitioner

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Versus

Date: 2025.07.28
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The State of Maharashtra & ors.

.Respondents

Mr. Sachin Hande, Advocate, for the Petitioner

Mr. H. J. Dedhia, APP, for Respondent No. 1 – State

CORAM : S. M. MODAK, J.

DATE : 24.07.2025

P. C.

1. Heard Mr. Hande, learned Advocate for the Petitioner and Ms. Dedhia, learned APP for Respondent No. 1 – State.

2. There is a challenge to the Order dated 18.03.2025 passed by learned 3rd Jt. JMFC, Cantonment Court, Pune. The complaint is filed for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. It was dismissed for non-prosecution and the Accused is acquitted.

3. There is a remedy of an Appeal provided as per the provisions of Section 378(4) of the Code of Criminal Procedure, 1973.

4. The Writ Petition is not maintainable. In addition to that recently the Hon'ble Supreme Court in the case of

Celestium Financial vs. A. Gnanasekaran etc., reported in *2025 SCC OnLine SC 1320* has considered the Complainant in such a prosecution as a victim. It is also observed leave to prefer an Appeal is not required. **It is for the Complainant to decide which option is to be exercised. In any case, the Writ Petition is not maintainable.**

5. He seeks leave to withdraw and liberty to file an Appeal. The Petition stands disposed of as withdrawn. Liberty is granted to prefer an Appeal as per the appropriate provisions.

(S. M. MODAK, J.)