

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLN. FOR LEAVE TO FILE APPEAL (PVT.) NO. 9 OF 2025

M/s. Prabhu Hira Cold Chain LLP

Through Mr. Shekhar Lalchand Gupta

.....Applicant

: Versus :

M/s. Shri Swami Samarth Agro Farm

and Ors.

....Respondents

Mr. Shrinidhi A. Sonak i/b. Mr. Jugal J. Kanani, for the Applicant.

Mr. Kiran C. Shinde, APP for State.

CORAM : SANDEEP V. MARNE, J.

DATED : 17 DECEMBER 2025.

P.C :

1) Mr. Sonak 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 Bhartiya Nagrik Suraksha Sanhita, 2023 before the Sessions Court in view of judgment of the Apex Court in **Celestium Financial Versus. 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2) Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.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 shall return the original certified copy of the impugned order to the Applicant.

[SANDEEP V. MARNE, J.]

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