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

**APPLICATION FOR LEAVE TO APPEAL (PVT.)
NO. 153 OF 2025**

Payalben S. Shah

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Saeed A. Khan *a/w. Mr. Prathamesh Naik on behalf of
M/s. H & M Leal Associates for the Applicant.*

Mr. Kiran C. Shinde, *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- 2) Reserving the liberty as prayed for, the Application and Appeal are permitted to be **withdrawn and disposed of**.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.)