

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 2934 OF 2025  
(for condonation of delay)

IN  
CRIMINAL APPEAL (ST.) NO. 15983 OF 2025

ALONGWITH  
CRIMINAL APPEAL (ST.) NO. 15983 OF 2025

Lekharaju Venkata Nagaraja Rao *....Appellant*

: *Versus* :

Gadkari Builders & Associates *....Respondent*

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Ms. Rinki Agarwal, *for the Applicant-Appellant.*

Mr. Vinit A. Kulkarni, *APP for State.*

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CORAM : SANDEEP V. MARNE, J.

DATED : 9 SEPTEMBER 2025.

P.C :

1) Ms. Agarwal, the learned counsel appearing for the Applicant/Appellant submits that initially an Appeal (Cri.Appeal No.0100155/2024) was preferred by the Appellant before the Sessions Court challenging the order of the learned Magistrate acquitting the contesting Respondent for the offence punishable under Section 138 of

the Negotiable Instruments Act. However, the said Appeal was withdrawn on 24 January 2025 seeking liberty to file Appeal before this Court. She would submit that after withdrawal of the Appeal before the Sessions Court, the Supreme Court has delivered the judgment in *Celestium Financial Versus. A. Gnanasekaran Etc.*<sup>1</sup> on 8 April 2025 recognising right of a complainant to prefer Appeal before the Sessions Court under Proviso to Section 372 of Criminal Procedure Code without seeking leave. She would submit that in the light of the Apex Court judgment in *Celestium Financial*, the Applicant/Appellant be granted liberty to apply for restoration of Criminal Appeal. Ms. Agarwal would accordingly pray for leave to withdraw the present Appeal and Application with liberty to apply before the Sessions Court for restoration of the Criminal Appeal. Leave granted. Appeal and Application is accordingly permitted to be withdrawn and disposed of, with liberty to the Appellant to seek restoration of Appeal which has been withdrawn before the Sessions Court.

2) In view of disposal of application and leave to Appeal, nothing would survive in Interim Application No. 2934/2025 taken out for condonation of delay. The same also stands disposed of.

[SANDEEP V. MARNE, J.]

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