# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# BENCH AT AURANGABAD

## APPLICATION FOR LEAVE TO APPEAL BY PVT. PARTY NO. 59 OF 2024

JYOTI CO-OPERATIVE CREDIT SOCIETY LIMITED KOPERGARON, AHMEDNAGAR, THROUGH CHANDRABHAN MOTIRAM MASAL

*VERSUS*

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Appellant : Mr. Amol Subhash Gandhi
APP for Respondent no.1 : Mr.S.M.Ganachari
Advocate for Respondent no.2 : Mr. Vivek V. Tarde

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 09 FEBRUARY, 2026

ORDER :-

1. Learned counsel appearing for the applicant points out that, the instant application is preferred seeking leave to file appeal. That, application for leave to appeal is against the order of acquittal from offence under Section 138 of the Negotiable Instruments Act. He prays that, now, in view of the decision of the Hon'ble Supreme Court in ***Celestium Financial v. Ganasekaran Etc.,*** *[(2025) SCC OnLine SC 1320]*, he would contest the above matter before learned District and Sessions Court and hence urges that, the same be transferred to the learned District Court.

2. In view of the above, the following order is passed :

## ORDER

I. The present matter be transferred to the concerned District and Sessions Court.

II. Learned Registrar (Judicial) of this Court to take further necessary action for transferring this matter to the concerned District and Sessions Court, immediately.

III. The concerned District and Sessions Court to whom this matter will be assigned, after registering it, shall issue notice to the concerned parties, and thereafter, proceed further with the matter in accordance with law.

IV. The concerned District and Sessions Court shall treat the application for leave to appeal as appeal under proviso to Section 372 of the Code of Criminal Procedure as per the observations of the Hon'ble Supreme Court in the case of ***Celestium Financial*** (supra).

V. Application for leave to appeal is accordingly disposed of.

( ABHAY S. WAGHWASE )
JUDGE

SPT