



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**926 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO. 2 OF 2025**

Sustainable Agro Commercial  
Finance Limited  
Through Maruti Tukaram Agavane  
C/o. First Floor, 31, Friends Colony,  
Kokanwadi, Station Road,  
Aurangabad.

... Applicant.

Versus

Ganesh Khandrav Thorat  
Age : Major, Occu. : Agriculture,  
R/o. Daskuli Tunki, Taluka Vaijapur,  
District Aurangabad (Chh. Sambhajanagar).

... Respondent

Advocate for Appellant : Mr. Sudhir Kashinathrao Chavan  
Advocate for Respondent : Mr. Sachin Madukar Nannaware

...

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**CORAM : ABHAY S. WAGHWASE, J.**  
**DATED : 17 FEBRUARY, 2026**

**PER COURT :-**

1. Learned counsel for the applicant points out that, the instant application has been preferred seeking leave to file appeal 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 appeal before learned District and Sessions Court and hence urges that the application be transferred to the District Court.

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

**ORDER**

I. The present proceedings be transferred to the concerned District and Sessions Court. Learned Registrar (Judicial) of this Court to take further necessary action for transferring this matter to the concerned District and Sessions Court, immediately.

II. The learned 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.

III. The concerned Sessions Court shall treat this matter 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).

IV. The concerned Sessions Court to exclude the time spent before this Court for prosecuting the instant leave application while calculating the period of delay, if any.

**[ABHAY S. WAGHWASE, J.]**