IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 44 OF 2009

Hutama Sahakari Bank Ltd. ... Appellant

VERSUS

Jai Malhar Tea Stall & Anr. ... Respondents

...

Mr. Ajay Rajenimbalkar i/by Adv. S. S. Patwardhan, Advocate for Appellant.

None for Respondent No. 1.

Mr. Anand S. Shalgaonkar, APP for Respondent No. 2-State.

...

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 16, 2026

PER COURT :

1. Learned Advocate for the Appellant submitted that he has filed a praecipe seeking his discharge from the matter. However, no order has been passed on the said praecipe till date.

2. Learned Advocate for the Appellant and learned APP for the Respondent No. 2-State submit that this is an Appeal against the acquittal order passed by the learned Judicial Magistrate First Class, Court No. 3, Kolhapur, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

TALLE SHUBHAM ASHOKRAO
Digitally signed by TALLE SHUBHAM ASHOKRAO
Date: 2026.10.17 19:39:58 +0530

3. They further submit that, in view of the law laid down by the Hon'ble Supreme Court in ***Celestium Financial vs. A. Gnanasekaran etc.,*** **[2025 SCC OnLine SC 1320]** (for short, ***"Celestium"***), the appeal would lie before the learned Sessions Court having jurisdiction to try and entertain the same and therefore urge that the matter be transferred to said Court.

4. In view of the above submissions and the law laid down by the Hon'ble Supreme Court in ***Celestium*** *(supra)*, I deem it appropriate to transfer the Appeal to the learned Sessions Court, Kolhapur, which has the jurisdiction to try and entertain the appeal.

5. Consequently, ***the present Appeal, along with the Record and Proceedings, if received, is to be transferred to the learned Sessions Court, Kolhapur.*** (If the Record and Proceedings are lying with the Principal Seat at Bombay, in that case also transfer them to the concerned Sessions Court.)

6. The Officer on Special Duty/Incharge Registrar (J), Circuit Bench at Kolhapur, is directed to take appropriate steps to transfer this matter/proceeding to the learned Sessions Court, Kolhapur.

7. Having considered the pendency of this Appeal since 2005, the learned Sessions Court is directed to make an endeavour to dispose of the matter/proceeding as expeditiously as possible.

8. In view of the above, no case/matter is pending before this Court; accordingly, this Court has disposed of this proceeding.

9. Interim Application/s, if any, pending also stands disposed of.

10. Inform the concerned Sessions Court accordingly.

(ABHAY J. MANTRI, J.)