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

CRIMINAL APPEAL NO.764 OF 2008

Munna Apparels] **Appellant**
versus
Manoj Garments and others] **Respondents**

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Mr. I.M. Khairdi, Advocate for Appellant.
None for Respondent Nos.1 and 2.
Ms. Priyanka Rane, APP for Respondent No. 3-State.

...

SHAILAJA SHRIKANT HALKUDE
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Date: 2026.11.02 18:19:47 +0530

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 23, 2026

PER COURT :

1. Learned Advocate for the Appellant submits that he has no instructions in the present matter.

2. No one appears for Respondents No.1 and 2.

3. Learned A.P.P. appears for Respondent No.3 – State.

4. On perusal of the record, it seems that the matter bearing STC No.651 of 2001 was dismissed in default by the learned Judicial Magistrate First-Class, Solapur on 12th August, 2006, acquitting the accused. Aggrieved by the said order, the Appellant/original complainant has preferred this Appeal. Despite the said facts, learned Advocate submitted that he has no instructions from the Appellant.

5. Learned APP for Respondent No.3 - State submits that this is an Appeal against the acquittal order passed by the learned Judicial Magistrate First Class, Solapur, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

6. He further submits 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 urges that the matter be transferred to the said Court.

7. 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, Solapur, which has jurisdiction to try and entertain the appeal.

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

9. 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, Solapur.

10. Having considered the pendency of this Appeal since 2008, the learned Sessions Court is directed to make an endeavour to dispose of the matter/proceeding as expeditiously as possible.

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

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

13. Inform the concerned Sessions Court accordingly.

(ABHAY J. MANTRI, J.)