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

CRIMINAL APPEAL NO. 1235 OF 2007

G.E. Countrywide Consumer Financial Services Ltd. ... Appellant

VERSUS

Sachin Shripatrao Barad and another. ... Respondents

…

None for Appellant.
None for Respondent No. 1.
Mrs. Priyanka S. Rane, APP for Respondent No. 2-State.

…

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 22, 2026

PER COURT :

1. No one appears for the Appellant, either in the Court Hall or through Video Conferencing mode, when the matter is called out.

2. Upon perusal of the record, it appears that the Appeal was admitted in the year 2007. However, no one appears for the Appellant. The office note indicates that the notice issued to the Appellant was received unserved with the remark, "*Not found at given address and this Company is closed 15 years ago*". It appears that the Appellant is not interested in prosecuting the Appeal. Similarly, Respondent No. 1 remains absent despite service of notice on 23rd February 2026.

TALLE SHUBHAM ASHOKRAO
Digitally signed by TALLE SHUBHAM ASHOKRAO
Date: 2026.10.27 10:32:06 +0530

3. Learned APP for Respondent No. 2-State submit that this is an Appeal against the acquittal order passed by the learned Judicial Magistrate First Class, Court No. 6, Kolhapur, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

4. 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.

5. 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.

6. 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.)

7. 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.

8. Having considered the pendency of this Appeal since 2007, the learned Sessions Court is directed to make an endeavour to dispose of the matter/proceeding as expeditiously as possible.

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

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

11. Inform the concerned Sessions Court accordingly.

(ABHAY J. MANTRI, J.)