LAXMI SUBHASH SONTAKKE

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION FOR LEAVE TO APPEAL NO. 168 OF 2022

Axis Bank Limited ...Appellant
Versus
State Of Maharashtra And Anr ...Respondents

Mr. Nitin Morajkar i/b. Vidhii Partners for the Appellant.
Mr. Avinash Kamkhedkar, APP for the State.

CORAM: AARTI SATHE, J.

DATE: 13th JANUARY 2026

P.C.

1. The present Application is preferred under Section 378(4) of the Code of Criminal Procedure, 1973, challenging the judgment and order of acquittal passed in Criminal Case No. 1913/SS/2015 (old C.C. No. 1947/SS/2010) by the learned Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai whereby the Respondents came to be acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned counsel appearing for the Applicant submits that the Applicant is the original complainant as well as the victim in the present case.

3. Learned counsel further submits that in view of the recent decision of the Hon'ble Supreme Court in **Celestium Financial Services Pvt. Ltd. v. A. Gnanasekaran, reported in 2025 SCC OnLine SC 1320**, the Applicant would be entitled to prefer an Appeal under Section 372 of the Code of Criminal Procedure,

1973. He, therefore, seeks leave to withdraw the present Criminal Application with liberty to file an Appeal under Section 372 of the Code before the learned Sessions Court.

4. Reserving the liberty as prayed for, the Applicant is permitted to withdraw the present Application, in view of the settled legal position as enunciated by the Hon'ble Supreme Court in Celestium Financial Services Pvt. Ltd. (supra).

5. If such Appeal is filed before the learned Sessions Court within a period of eight (8) weeks from today, the Applicant shall be entitled to the benefit of the period during which the present Application remained pending, for the purpose of seeking condonation of delay, if any.

6. If the applicant prefers an Appeal within a period of 8 weeks as directed, before the learned Sessions Court, considering that the proceedings in respect of which the Summary Criminal Cases have been preferred are old proceedings, the Sessions Court may expeditiously decide the Appeal filed before it.

7. The Registry is directed to verify and return the original certified copy of the impugned judgment and order to the learned Advocate for the Applicant, for the purpose of filing the Appeal before the Sessions Court, on submitting a photocopy of the impugned order. Registry shall verify the photocopy and return the certified copy to the learned Advocate for the Applicant.

8. The Application is accordingly disposed of as withdrawn with the aforesaid liberty. Any Interim Application, if pending, shall also stand disposed of.

(AARTI SATHE, J.)