

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 364 OF 2026**

Sumesh Gupta ... Applicant

V/S.

S.H.A.M.K. Mercantile Private Limited ... Respondent

WITH

CRIMINAL APPLICATION NO. 366 OF 2026

Hemakshi Gupta W/O Sh Sumesh Gupta ... Applicant

V/S.

S H A M K Mercantile Private
Limited Through Haresh Indru Wadhwan ... Respondent

Dr. Manoj Gorkela, learned Advocate for the Applicant in APL/364 of 2026 and APL/366/2026.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th March, 2026.

P.C. :

1. At 11:00 a.m., Dr. Manoj Gorkela, learned Advocate for the Applicants in these Applications mentioned these matters out of turn. At his request both these Applications were taken up post lunch.

2. Both these Applications impugn proceedings filed by the Respondent No. 2 under Sections 138 and 142 of the Negotiable Instruments Act, 1881.

3. Dr. Manoj Gorkela, on instructions from the Applicants and his instructing counsels craves leave to withdraw both these Applications with liberty to file Criminal Revision Application before the Sessions Court in respect of the subject matter of these Applications.

4. In view of the statement made by Dr. Manoj Gorkela, leave granted to withdraw both these Criminal Applications with liberty as prayed.

5. If such Criminal Revision Application is filed under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the Sessions Court having jurisdiction, the same be considered on its own merits and in accordance with law. All contentions of the parties are left open.

6. In view of the above, Criminal Application No. 364 Of 2026 and Criminal Application No. 366 of 2026 are disposed of as withdrawn.

(ASHWIN D. BHOBE, J.)

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