

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION FOR LEAVE TO APPEAL(PVT.) NO. 220 OF 2024

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SITARAM
WAGHMARE

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Date: 2026.09.03
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Usha Kiran Enterprises Pvt Ltd

...Applicant

Versus

V N Timber Traders & Anr.

...Respondents

Mr. Mandar Patil a/w Ms.Mamta Magare i/b M/s Bagkar & Co. for the Applicant.

Mr. Niket Harit a/w M. Kashif Wahedna i/b Manoj Harit & Co., for the Respondent No.1.

Ms. M.R. Tidke, APP for the Respondent/State.

CORAM : M.M. SATHAYE, J.

DATE : 03rd SEPTEMBER, 2026

P.C. :

1. Applicant is complainant under proceedings arising out of Section 138 of the Negotiable Instruments Act,1881. By the impugned order dated 24.07.2024, the complaint is dismissed thereby resulting in acquittal of the Respondent No.1-accused.

2. Learned counsel for the Applicant, at the outset, states on instructions that in view of law laid down by Hon'ble Supreme Court in Case of **M/s. Celestium Financial Vs. A. Gnanasekaran Etc., 2025 SCC OnLine SC 1320**, the Applicant wishes to file appeal under proviso to Section 372 of the Code of Criminal Procedure, 1973 ('CrPC' for short).

3. Considering paragraphs 7.9, 9 and 10 of the aforesaid Judgment, the Applicant has an option to proceed with the application or to file an appeal.

4. Hence, considering the request made, the **Application is disposed**

of as withdrawn, with liberty reserved to the Applicants to file appeal before the concerned Sessions Judge.

5. According to the record, present leave application was filed in time. Therefore, if the appeal is filed before the concerned Sessions Court within a period of four weeks from today, time spent in prosecuting this application shall be considered for exclusion in accordance with law, including the Limitation Act, 1963 and the provision under Section 470 of CrPC.

(M.M. SATHAYE, J.)