

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 273 OF 2020
WITH
APPLICATION FOR LEAVE TO APPEAL(PVT.) (ST) NO. 32 OF 2020

NAVNATH
SITARAM
WAGHMARE

The Federal Bank Limited

...Applicant

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NAVNATH SITARAM
WAGHMARE
Date: 2026.10.08
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Versus

The State Of Maharashtra And Ors.

...Respondents

Mr. Vivek Sawant for the Applicant.

Mr. D.J. Haldankar, APP for the Respondent /State.

CORAM : M.M. SATHAYE, J.

DATE : 08th OCTOBER, 2026

P.C. :

1. Heard learned counsel for the Applicant, who is Complainant in proceedings under Section 138 of the Negotiable Instruments Act, 1881. Present applications are filed for seeking leave to file appeal against acquittal and for delay condonation.

2. Learned counsel for the Applicant, relying on the judgment of Hon'ble Supreme Court in **M/s. Celestium Financial Vs. A. Gnanasekaran Etc. 2025 SCC OnLine SC 1320** submitted that the Applicant wishes to exercise its right to prefer an appeal under Section 372 of Code of Criminal Procedure, 1973 ('CrPC' for short).

3. Considering the observations of the Hon'ble Supreme Court in Paragraph No. 7.9 and 9 of the said judgment, the Applicant can choose to file appeal.

4. Hence, the present criminal application along with delay condonation application is hereby transferred to the concerned Sessions

Court.

5. The Registry is directed to take necessary steps expeditiously for transferring the record of the present application/delay condonation application to the Sessions Court, Greater Mumbai.

6. The concerned Sessions Court is directed to register the application/delay condonation application and proceed to hear the same on its own merits in accordance with law. This Court has not expressed any view on merits.

7. Leave application filed in this Court, setting out grounds of challenge to the order of acquittal, be treated as appeal memo.

8. The Applicant is directed to supply a photocopy set of present proceedings to the Registry, for the purpose of record.

9. **The Applications are disposed of in above terms.**

(M.M. SATHAYE, J.)