



MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 387 OF 2019**  
**WITH**  
**APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 386 OF 2019**

M/s. Shree Bhairavnath Scaffolding And ... Applicant  
Engineering Pvt. Ltd. Thr. Sandeep Eknath  
Tanpure

Vs.

M/s. Siddhivinayak Infrasystems Pvt. Ltd. and ... Respondents  
Ors.

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signed by  
MANGALTAI  
JAYWANT  
JADHAV  
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Mr. Vatsal Thakkar a/w Neil Chandiwalla a/w Sakshi Nazk i/b Amol  
Patankar for the Applicant.

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

**CORAM : GAURI GODSE, J.**

**DATED : 13<sup>th</sup> NOVEMBER 2025**

**ORDER:**

1. These applications are filed by the original complainant under Section 378(4) of the Criminal Procedure Code, seeking leave to file appeal. The applicant is the complainant in the complaint filed under Section 138 of The Negotiable Instruments Act, 1881. By the impugned order respondent nos. 2 and 3 are acquitted.

2. Learned counsel for the applicant submits that in view of the

recent decision of the Hon'ble Apex Court in the case of **M/s. Celestium Financial Versus. A. Gnanasekaran**<sup>1</sup>, the applicant would be entitled to file an appeal under Section 372 of Code of Criminal Procedure. He therefore seeks leave to withdraw these applications with liberty to file an appeal under Section 372 of Cr.P.C. in the Sessions Court. Learned counsel for the applicant submits that the applicant be granted benefit of the period of pendency of these applications for seeking condonation of delay.

3. In view of the legal principles settled in the decision of the Hon'ble Apex Court, the applicant is granted leave to withdraw these applications with liberty to file an appeal under Section 372 of Cr.P.C. before the Sessions Court.

4. These applications are filed on 23<sup>rd</sup> October 2019. Hence, it is clarified that if an appeal under Section 372 of Cr.P.C. is filed within eight weeks from today, the applicant shall be entitled to seek benefit of the period of pendency of these applications for seeking condonation of delay in filing the appeal before the Sessions Court.

5. Learned advocate for the applicant is permitted to take back certified copy of the impugned order for filing the appeal in the Sessions Court, on submitting a photocopy of the impugned order. Registry shall verify the photocopy and return the certified copy to

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the learned advocate for the applicant.

6. These applications are disposed of as withdrawn subject to the aforesaid liberty.

**(GAURI GODSE, J.)**