

Rohit Ghuge

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 794 OF 2018

512, Kamgar Grahak Sahakari Sanstha Through J. D. Demelow

VERSUS

R. B. Gupta And Anr

Ms. Shraddha Pawar a/w Mr. Shreeniwas Magar i/b Mr. Dilip Bodake,
Advocate for Appellant.

Ms. K. T. Hiwrale, APP for Respondent No.2-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th MAY, 2026.

P.C. :

1. Heard learned counsel for the appellant and learned APP for the Respondent No.2-State.

2. Learned counsel for the Appellant submits that this judgment is referred to the larger bench.

3. This court in other similar matters permitted the appellant to withdraw the appeal, hence, the appellant is permitted to withdraw the appeal with liberty to file appeal before the learned Sessions Court as per the view of the Hon'ble Apex Court in the case of **Celestium Financial Vs. A. Gnanasekaran & Etc.**¹

4. Learned Sessions Court shall consider the delay, if appeal is filed, as the appeal was pending before this Court.

5. Learned advocate for the Appellant 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 the learned advocate for the Appellant.

(SHIVKUMAR DIGE, J.)

¹(2005) SC 2099.