

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No.1249 of 2008

Gulab Ramchandra Shinde

Age: 37 yrs, Occ: Agriculturist

R/at-Rase, Tal-Khed,

Dist.Pune- 410 501.

... Appellant.

Vs.

1. Santosh Banarasi Chavan

Age: 42 yrs, Occ: Business,

R/at S No.102, Gaund Chawl,

Neharu Nagar, Pimpri, Pune-18.

2. The State of Maharashtra

... Respondent.

Ms Dhanashree Bhate a/w Mr Vaibhav Patankar i/by
Patankar & Associates for the appellant.

Mr Arfan Sait, APP for the respondent / State.

Coram : R.N.Laddha, J.

Date : 27 March 2026.

P.C. :

The present criminal appeal arises from the judgment and order dated 16th June 2007, passed by the learned Judicial Magistrate, First Class, Khed, in SCC No.119/2005 whereby respondent No.1 herein was acquitted of the offence punishable under Section 138 of the Negotiable

Instruments Act, 1881.

2. Today, when the matter is called out, learned Counsel for the applicant has shown his inability to argue the matter for want of instructions.

3. The learned Additional Public Prosecutor representing respondent No.2/ State, has placed reliance upon the pronouncement of the Hon'ble Supreme Court in *Celestium Financial v. A. Gnanasekaran*, 2025 SCC OnLine SC 1320, to submit that a victim of an offence, including a complainant under Section 138 of the Negotiable Instruments Act, is vested with a statutory right to prefer an appeal against an order of acquittal under the proviso to Section 372 of the Code of Criminal Procedure, 1973. He further submits that in order to safeguard the appellant's right to avail of the proper forum for such statutory remedy, transfer of the present appeal is warranted. Reliance is also placed on the decisions in *Kotak Mahindra Finance Ltd Vs Nobiletto Finlease and Investments*, Criminal Appeal No.645 of 2006 dated 31 October 2025, Delhi High Court; *Pooja Trading Compnay v/s Harishchandra Manjrekar*, Criminal Appeal No.1016 of 2006 daed 13 October 2025,

Bombay High Court; Shivputra Arwat vs Sangappa Bhasgikar, Criminal Appeal No.1051 of 2008 dated 8 October 2025, Bombay High Court; Salimshah Haji Shakrushan vs Syd Javdali Syd Anwarali, Criminal Appeal No.167 of 2006 dated 15 October 2025, Bombay High Court at Aurangabad; Pankaj Mehta vs Vishal Hundar, 2026 SCC OnLine MP 800; Sunil Kumar vs Daljit Kaur, 2025:PHHC:092344; and Raj Kumar vs Rajender, 2025:PHHC:079740 to submit that no legal impediment exists in directing transfer of the appeal to the Court of Sessions, which is the competent forum.

3. Having considered the submissions advanced, this Court is deems it appropriate to transfer the present appeal to the Sessions Court.

4. Accordingly, the Registrar (Judicial) is directed to forthwith transmit the entire record and proceedings of the appeal to the concerned Sessions Court. Upon receipt, the learned Sessions Court shall register the appeal and proceed to adjudicate the same on its own merits and in accordance with law. In view of the protracted pendency of the matter, the learned Sessions Judge is requested to make earnest

endeavour to dispose of the appeal expeditiously.

5. The appeal is accordingly disposed of in the above terms.

[R. N. Laddha, J.]