



2026:BHC-KOL:3746

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

APPLN FOR LEAVE TO APPEAL(PVT.) (STAMP) NO. 218 OF 2019

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| Gorakh Shiva Kambale |Applicant |
| <u>VERSUS</u> | |
| Ajit Sadashiv Mali And Anr. |Respondents |

WITH
**CR. APPLICATION IN APPLICATION NO. 729 OF 2019
IN
APPLN FOR LEAVE TO APPEAL(PVT.)ST NO. 218 OF 2019**

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|-----------------------------|------------------|
| Gorakh Shiva Kambale |Applicant |
| <u>VERSUS</u> | |
| Ajit Sadashiv Mali And Anr. |Respondents |

Mr. Kedar Lad a/w Ms. Indrayani Patil, for Applicant.

Mr. S. S. Chaudhari, APP, for the Respondent-State.

CORAM : RANJITSINHA RAJA BHONSALE, J.
DATE : 8th MAY, 2026.

P.C.

1. Heard learned counsel for the Applicant and learned APP for Respondent No.2 - State.
2. Learned counsel for the Applicant points out that, the instant application has been preferred seeking leave to file appeal against the order of acquittal from offence under Section 138 of the Negotiable Instruments Act, 1881. He prays that, now, in view of the



decision of the Hon'ble Supreme Court in *M/s. Celestium Financial*
Vs. Ganasekaran ETC., reported in [(2025) SCC OnLine SC 1320], he
would contest the appeal before the learned District and Sessions
Court and hence urges that, the same be transferred to the District
Court.

3. In view of the above, the following order is passed :

ORDER

(i) The present proceeding be transferred to the
concerned District and Sessions Court. Learned Registrar
(Judicial) of this Court to take further necessary action for
transferring this matter to the concerned District and
Sessions Court, immediately.

(ii) The concerned Court to whom this matter will be
assigned, after registering it, shall issue notice to the
concerned parties, and thereafter, proceed further with the
matter in accordance with law.

(iii) The concerned Court shall treat this matter as
appeal under proviso to Section 372 of the Code of
Criminal Procedure as per the observations of the Hon'ble
Supreme Court in the case of *M/s. Celestium Financial*
(supra).



- (iv) Learned District and Sessions Judge to exclude the period spent in prosecuting instant leave application before this Court while calculating the period of limitation.
4. In view of the above, the application stands disposed of.
 5. All pending applications, if any, also stand disposed of.

(RANJITSINHA RAJA BHONSALE, J.)