

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Leave To Appeal No. 254/2025

Bhagwati Prasad S/o Bhanwar Lal Paliwal, Aged About 45 Years,
Diptee Tehsil And District Rajsamand Proprietor M/s Vitthal
Marble Suppliers

----Appellant

Versus

Jayanti Lal S/o Galaba Prajapat, Kerawas Near Gayatri Temple
Samiti Ke Samne Wali Gali Ahore District Jalore

----Respondent

For Appellant(s)	:	Mr. B.L. Choudhary
For Respondent(s)	:	Mr. Sri Ram Choudhary, Public Prosecutor

HON'BLE MS. JUSTICE REKHA BORANA

Order

07/05/2026

1. The present Leave to Appeal has been filed praying for leave to prefer appeal against judgment dated 15.07.2025 passed by the Special Court of Judicial Magistrate, (N.I. Act Cases) District Rajsamand, whereby the accused/respondent has been acquitted of offence under Section 138 of The Negotiable Instruments Act, 1881.

2. Counsel for the appellant, at the very inception, fairly submits that a regular appeal against the impugned judgment is maintainable before the Sessions Court in terms of the ratio laid down by Hon'ble the Apex Court in ***M/s. Celestium Financial Vs. A. Gnanasekaran Etc.; 2025 INSC 804***. He therefore seeks permission to withdraw the present leave to appeal with liberty to file an appropriate appeal before the competent Sessions Court.

3. In view of the submission made, the present Leave to Appeal is **dismissed** as withdrawn with liberty aforesaid.

4. Needless to observe that the appellant shall be entitled to the benefit of Section 14 of the Limitation Act, 1963.

(REKHA BORANA),J

38-Mak/-