

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

913. CRI.APPLN/5476/2014

NISAR S/O NASIR SHAIKH
V/S
THE STATE OF MAHARASHTRA AND OTHERS

Mr. N.R. Bhavar, Advocate for applicant.

Mrs. M.S. Patni, APP for State.

Mr. S.P. Chapalgaonkar, Advocate for respondent Nos. 2 to 7.

CORAM : T.V. NALAWADE, J.
DATED : 29th July, 2015.

ORDER :

1. Heard the learned counsel for the applicant. It appears that the original complainant wants to file appeal against judgment and order of R.T.C. No. 120/2004. It was a State case filed for offences punishable under sections 326, 325, 34 etc. of I.P.C. The case involves offences which were cognizable and non bailable. In view of the provision of section 372, proviso and section 378 (1) of Cr.P.C., the appeal lies to Sessions Court.

2. In view of this circumstance, the learned counsel for applicant on instruction submits that he wants to withdraw the proceeding with liberty to file the same before the Sessions Court. Application is disposed of as withdrawn with aforesaid liberty.

[T.V. NALAWADE, J.]

ssc/