

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.A.No.1318 of 2014

JUDGMENT :

This Appeal is filed under Section 372 of Cr.P.C. by the victim challenging the judgment dt.25.07.2014 in Criminal Appeal No.5 of 2013 on the file of IX Additional District and Sessions Judge, Wanaparthy, confirming the judgment dt.26.12.2012 passed in C.C.No.500 of 2009 on the file of the Judicial Magistrate of First Class, Wanaparthy.

2. The incident in question on the basis of which the prosecution was launched against 2nd respondent took place prior to 31.12.2009.

3. In **D. Sudhakar v. Panapu Sreenivasulu**^[1], this Court held that in respect of incidents which have occurred prior to 31.12.2009, an appeal under the proviso to Section 372 Cr.P.C. is not maintainable and that the said proviso would operate only prospectively.

4. The counsel for appellant, having realized the same, therefore seeks to withdraw the appeal.

5. Accordingly the Criminal Appeal is dismissed as withdrawn.

6. Miscellaneous applications, pending if any, in this Criminal Appeal, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-02-2015

Ndr/*

[\[1\]](#) 2013 (1) ALD (CrI.) 366 (A.P.)