

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 266 OF 2016
IN
CRIMINAL APPEAL (ST) NO. 167 OF 2016

Shri Vishal Ramesh Bhalerao	..	Applicant
vs.		
The State of Maharashtra	..	Respondent

Mr. Swapnil Ovalekar for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 4th March, 2016.

P.C.

Heard. This is an application seeking condonation of delay in filing the appeal challenging the judgment and order passed by the Sessions Judge, Pune in Sessions case No.826 of 2012 vide judgment and order dated 4.2.2015. The appeal is filed through jail.

2. The learned counsel is appointed through legal aid and has filed an application seeking condonation of delay. The delay is of 317 days. It is a statutory appeal. Since there was nobody to espouse the cause of appellant, the delay needs to be condoned in the interest of justice. Application is allowed in terms of prayer clause (a) and stands disposed of.

3. The professional fees quantified to the learned counsel for filing the application seeking condonation of delay is Rs.1500/-, to be paid to him

within 3 months from today.

3. Appeal (St) No.167 of 2016 be listed for admission on 21.3.2016.

4. Today, a letter is received from the appellant contending therein that he desires to withdraw the appeal. The appellant is in jail since 19.11.2011. He is convicted for the offence punishable under Section 376 of IPC and sentenced to suffer R.I. for 7 years. It cannot be said that he has undergone the sentence imposed upon him. Once the appeal is filed, it cannot be withdrawn. The letter is taken on record and marked as article "X".

5. Call for the record and proceedings from the Court of 5th Addl. Sessions Judge, Pune, in Sessions Case No.826 of 2012. Registry to the needful at the earliest.

(SMT.SADHANA S.JADHAV, J.)