

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.404 OF 2016
IN
CRIMINAL APPEAL NO.1148 OF 2013**

Feroze Nisar Ahmed Khan)...Applicant

**V/s.
State Of Maharashtra & Anr.)...Respondents**

None for the Applicant.

Mr. P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 15th MARCH, 2017.

P.C. :

This application is registered on the basis of letter sent by the Applicant/Appellant/Accused through jail while undergoing sentence of imprisonment imposed on him in Sessions Case No.536 of 2012. The Applicant/Appellant/Accused by this Application has prayed for leave to withdraw the appeal filed by him.

2 On 6.12.2016, this Court (Coram: Revati Mohite Dere, J.), while considering the instant application has directed the

Superintendent, Kalamba Central Prison, Kolhapur to record statement of Applicant/Appellant/Accused Feroze Khan again and to send report regarding it to this Court.

3 Today, in pursuant to the order dated 6.12.2016 passed by this Court, the learned APP has tendered across the bar the report sent by the Superintendent, Kolhapur Central Prison, Kolhapur forwarding statement of the Applicant/Appellant/Accused-Feroze Khan again recorded by him. The same is taken on record. Forwarding report of the Superintendent, Central Prison, Kolhapur is marked as Exhibit 'X' whereas statement of the Applicant/Appellant/Accused recorded by the Superintendent, Central Prison, Kolhapur and forwarded with the report Ex.'X' is marked as Exhibit 'Y'.

4 The statement of the Applicant/Appellant/Accused recorded by the Superintendent, Central Prison, Kolhapur on 6.12.2016 (Ex.'Y') also reiterates same request of the Applicant/Appellant/Accused and he has again stated that he did not want to prosecute the criminal appeal filed by him and he wants to withdraw the Appeal filed by him.

5 As the Applicant/Appellant/Accused wants to withdraw the appeal filed by him challenging the judgment and order passed in Sessions Case No.536 of 2012, the following order:

- (1) The Criminal Application bearing no.404 of 2016 is allowed. Consequently, by granting the leave as prayed, Criminal Appeal bearing no.1148 of 2013 is disposed of as withdrawn.
- (2) The Applicant/Appellant/Accused be informed accordingly.

(A. M. BADAR, J.)