

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.198 OF 2017  
WITH  
CRIMINAL APPLICATION NO.897 OF 2016**

**Shabbir Hussain Khan** )...Applicant

**V/s.**  
**State Of Maharashtra** )...Respondent

Ms. Nasreen Ayubi, Advocate for the Applicant.

Mr. A.R.Kapadnis, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 21<sup>st</sup> MARCH, 2017.**

**P.C. :**

Ms. Nasreen Ayubi the learned Advocate for the Appellant-Accused submits that as conviction and sentence under challenge in this appeal is recorded by the learned Judicial Magistrate First Class, the appeal lies before the Sessions Court. She, therefore, seeks leave to withdraw the appeal for filing appeal before the appropriate Court.

2 Leave as prayed is granted. The Criminal Appeal is disposed of as withdrawn.

3           If the appellant-accused files appeal before the appropriate forum then that forum should consider pendency of the instant appeal for the purpose of condonation of delay, if any.

4           As the appeal itself is disposed of, nothing survives in the criminal application therein and the same is also disposed of.

**(A. M. BADAR, J.)**