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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No. 1441 OF 2018
WITH**

**CRIMINAL APPLICATION No. 1801 OF 2018
IN
CRIMINAL APPEAL No. 1441 OF 2018**

Sunil Martand Gaikwad ...Appellant/Applicant
Vs.

The State of Maharashtra ...Respondent

Mr. S.V. Marwadi i/b. Mr. Vishal S. Saxena for
Appellant/Applicant
Mr. Y.M. Nakhwa -APP for the State

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : NOVEMBER 29, 2018

P.C.:

1. In the present case, the judgment is passed in Sessions Case No.447 of 2017 dated 27th July, 2018 by the Assistant Sessions Judge, 6th Court, Thane. The Appellant/Applicant is convicted for the offences punishable under sections 498A and 306 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 3 years for the offence punishable under section 498-A of the Indian Penal Code and is also sentenced to suffer R.I. for 5 years for the offence punishable under section 306 of the Indian Penal Code.

2. In view of Section 374(2) of the Cr.P.C., the appeal would be

lie before the Sessions Court. Hence, the learned counsel for the Appellant/Applicant submits that he would withdraw this appeal along with application for bail with liberty to file a fresh before the learned Sessions Judge.

3. Liberty as prayed for is granted in the interest of justice. Appeal along with application for bail are allowed to be withdrawn and stand disposed of as withdrawn.

4. The Learned Sessions Judge shall consider the time spent in this Court while considering the application seeking condonation of delay.

5. The office shall return the certified copy of the impugned judgment.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam