

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.737/2012

Rahim Sharif s/o Yusuf Sharif ..vs.. The State of Maharashtra through
PSO P.S. Pandharkawda, Dist. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. F. T. Mirza, Advocate for applicant.
Mr. Sunil Manohar, Senior Advocate/Amicus Curiae.
Mr. V. T. Thakare, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 25, 2018

1. Heard Mr. F. T. Mirza, Advocate for applicant, Mr. Sunil Manohar, Senior Advocate/Amicus Curiae and Mr. V. T. Thakare, A.P.P. for non applicant-State yesterday.

2. Today Mr. Sunil Manohar, learned Senior Advocate has invited my attention to the reported judgment of this Court in **State ..vs.. Shantilal Vallabhdas Pandya;** reported in **AIR 1970 BOMBAY 240** which conclusively decides the issue in question.

3. Mr. Mirza, learned counsel for the applicant therefore submits that in view of the said decision, the applicant does not wish to prosecute the present application and seeks permission to withdraw the present application.

4. Permission is granted as prayed for.

The application is disposed of as withdrawn. Liberty is granted to the applicant to take those steps which are available in law.

5. It is made clear that though the charge-sheet is filed under Section 131 of the Representation of People Act, 1950, it is made clear that the prosecution will have to prove the offence under Sections 26 and 27 of the Maharashtra Municipalities Act and not under the Representation of People Act.

JUDGE

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