

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1316 of 2017

Arising Out of PS. Case No.-6 Year-2012 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Umesh Mishra Son of Late Rameshwar Mishra, Resident of Village- Tajpura
Fulwaria, P.S.- Manjhi, Dist- Saran at Chapra.

... .. Appellant/s

Versus

The Union Of India

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha-Advocate
For Union of India : Mr. Rakesh Kumar Sinha-C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

7 02-04-2019 Heard learned counsel for the appellant as well as

learned counsel representing Union of India.

It has been submitted at the end of the appellant that
after spending the period of sentence, appellant has been
released. So, now, this appeal lost its utility as appellant does
not want to proceed there with. Hence, appellant be allowed to
withdraw the appeal.

Learned counsel representing the Union of India did
not object.

Two Sections that is Section 383 of the Cr.P.C.
prescribing summary dismissal of the appeal as well as Section
384 of the Cr.P.C. lying down the procedure, when appeal is not
summarily dismissed, are relevant one to be taken note of at the



present juncture. Because of the fact that this appeal has already been admitted on account thereof, there would be applicability of Section 384 of the Cr.P.C. But after all, it happens to be the will, wish of the appellant that is subject to consideration. If appellant seeks withdrawal of appeal, there happens to be no provision under the Cr.P.C. whereunder his submission could be derecognized. As such, appellant is allowed to withdraw the appeal. Consequent thereupon, this appeal is dismissed as withdrawn.

Office to transmit the L. C. Record to the learned lower Court at once.

(Aditya Kumar Trivedi, J)

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