

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.442 OF 2019

Suresh Baburao Chandane ... **Petitioner**
Versus
The State of Maharashtra ... **Respondent**

.....

Mr.Tejas Hilage, Advocate for the Petitioner.

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

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CORAM : A.M.BADAR J.

DATED : 11th OCTOBER 2019.

P.C. :

1 The petitioner is a convicted accused in Sessions Case No.111 of 2004 decided on 01/03/2006 by the learned 5th Adhoc Additional Sessions Judge, Kolhapur. He is found guilty of offence punishable under Sections 325 and 387 of the Indian Penal Code and accordingly, he is sentenced to suffer rigorous imprisonment for three years apart from a direction to pay fine of Rs.5,000/- and in default to undergo simple imprisonment for four months on each count. The petitioner preferred Criminal Appeal bearing No.23 of 2006 before the learned Sessions Judge, Kolhapur. However, it was held that the appeal as framed and filed is not maintainable in view of the provisions of Section 374(2) of the Code of Criminal Procedure.

2 The learned Counsel appearing for the petitioner, on instructions, makes a statement that as the petitioner is not desirous of prosecuting the instant petition and by getting the Memo of Appeal returned from the Sessions Court, he will present the same before this Court within a period of three weeks from today.

3 The petition is accordingly disposed of as withdrawn with liberty as prayed.

(A.M.BADAR, J.)