

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 244 OF 2008**

Javed Khan S/o Late Shabeer Ahmed Khan	...Appellant
Versus	
The State of Maharashtra	...Respondent

Appellant is present in-person

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 15th APRIL 2019

P.C. :

1 As Advocate Mr. Shahid Azmi died during the pendency of the aforesaid appeal, notice was issued to the appellant. Pursuant to the said notice, Mr. Javed Khan has appeared and seeks leave to withdraw his appeal. He has tendered his affidavit. The said affidavit is taken on record and is marked 'X' for identification. Along with the affidavit of the appellant, the appellant has also annexed self-attested copies of his Aadhar Card and Pan Card, to prove his identity. Learned A.P.P also does not dispute the identity of the appellant.

2 It is not in dispute that the appellant was convicted by the learned Special Judge, MCOC Act for 5 years imprisonment. Against the order of conviction and sentence, the appellant filed the aforesaid appeal through his advocate Mr. Shahid Azmi. During the pendency of the said appeal, the advocate died and hence, notice was issued to the appellant. In the said affidavit tendered today, the appellant has stated that he has already undergone the entire sentence imposed by the trial Court and that after completing his sentence, he has been released. He has stated that presently he is working in Palanpur, Gujarat and is settled with his family and submits that he does not wish to continue with his appeal nor does he want to appoint any one to prosecute his appeal. He, therefore, requests the Court to permit him to withdraw his aforesaid appeal.

3 Having regard to what is stated aforesaid, in the peculiar facts of this case and considering the affidavit of the appellant, the appellant-Javed is permitted to withdraw his appeal.

4 In view of the aforesaid, conviction and sentence of the
appellant as imposed by the trial court is maintained.

5 The Appeal is accordingly disposed of as withdrawn.

REVATI MOHITE DERE, J.