

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1220 OF 2008**

Mahendra Balkrishna Kajbaje & Ors.	...Appellants
Versus	
The State of Maharashtra	...Respondent

Mr. Sandeep Mahadik for the Appellants

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

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

P.C. :

1 Learned counsel for the appellants states that all the appellants i.e. appellant Nos. 1 to 5 do not want to pursue the aforesaid appeal filed by them and seek leave to withdraw the same. Learned counsel has tendered the separate affidavits of each of the 5 appellants. The said affidavits are taken on record and marked 'X-colly'. All the appellants are present in-person and reiterate what is stated by their counsel. They state that they do not wish to pursue the aforesaid appeal filed by them. They state that they have paid the fine amounts as directed by the trial Court.

2 Learned A.P.P has no objection.

3 Perused the papers The appellants, vide judgment and order dated 31st December 2007 passed by the 3rd Ad-hoc Additional Sessions Judge, Raigad, Alibag, were convicted in Sessions Case No. 90/2005 for the offence punishable under Section 323 r/w 149 of the Indian Penal Code ('IPC') and were directed to pay a fine of Rs. 5,000/- each, in default, to suffer SI for 1 month. The appellant Nos. 2 to 5 i.e. original accused Nos. 5 to 8 were also found guilty of the offence punishable under Section 143 of the IPC and were directed to pay a fine of Rs. 500/- each, in default, to suffer SI for 30 days each. No separate sentence of imprisonment was awarded to any of the appellants.

4 Being aggrieved by their conviction and sentence, the appellants filed the aforesaid appeal which was admitted by this Court on 2nd December 2008.

5 Admittedly, all the appellants have deposited fine amounts as directed by the learned trial Court. The appellants have tendered separate affidavits stating therein that they do not wish to pursue the aforesaid appeal, inasmuch as, 10 years have passed and they have paid the fine amount.

6 Considering the aforesaid and having regard to the facts of the case, the appellants are permitted to withdraw the aforesaid appeal.

7 Accordingly, appeal is disposed of as withdrawn. Needless to state, that the appellants' conviction and payment of fine as mentioned in para 3 hereinabove, stands confirmed.

REVATI MOHITE DERE, J.