

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5495 of 2020

1. Kamal Prasad Yadav S/o Shri Dadu Lal Yadav, aged about 34 Years R/o Village Nevsa (Utarda), Police Station Hardi Bazar, District Korba (C.G.).

---- Applicant

Versus

1. State of Chhattisgarh, Through S.H.O. Police Station Ajak Janjgir, District Janjgir Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Judgment

30/09/2020

- 1) The matter is heard through Video Conferencing.
- 2) At the outset, the learned counsel for the applicant submits that he wants to withdraw this application filed under Section 439 of the Code of Criminal Procedure, 1973 because as per proviso of amended Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, against an order of the Special Court granting or refusing bail, an appeal shall lie to the High Court. Therefore, he may be permitted to withdraw the instant application with liberty to file an appeal before the appropriate Forum. He also prays for return of certified copy of the impugned order.
- 3) In view of the above, the present application is dismissed as withdrawn with the aforesaid liberty.
- 4) Registry is directed to return the certified copy of the impugned order to the counsel for the applicant on his furnishing an authenticated true copy of the same.

**-Sd/-
(Gautam Chourdiya)
Judge**