

Sou. Nagubai Shabu Dudhale ...Applicant
V/S.
Sou. Kalpana Dattatray Bhosale & Anr. ...Respondents

Mr. Anand Patil, Advocate for Applicant.
Mr. Amit Palkar, APP for Respondent No.2 - State.

CORAM : A. S. GADKARI, J.
DATE : 4th MARCH, 2021.

P.C.:

1. Learned counsel for the Applicant submitted that, against the impugned Judgment and Order dated 10th December 2015, passed by the learned Sessions Judge, Kolhapur, in Criminal Appeal No.36 of 2014, a substantive appeal against acquittal under Section 378 of Cr.P.C. would lie. He further submitted that, erroneously the present revision under Section 397 of the Cr.P.C. has been filed. He, therefore, seeks leave to withdraw the present Revision with liberty to

file a substantive appeal against Respondent No.1.

2. Leave and liberty granted.

3. Disposed of as withdrawn with the aforesaid liberty.

4. It is needless to mention that the Applicant is entitled to get benefit under Section 14 of the Limitation Act, 1963 for pursuing the present Revision Application.

5. In view of disposal of the Revision Application, Criminal Application No.131 of 2016 pending therein does not survive and is accordingly disposed of.

(A. S. GADKARI, J.)