

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.66 OF 2021

MAHALING ABA HAJARE)...APPELLANT

V/s.

THE STATE OF MAHARASHTRA & ORS.)...RESPONDENTS

Ms. Abhay Jadhavar, Advocate for the Appellant.

Mrs. P. P. Shinde, APP for the Respondent - State.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 7th JUNE 2022

P.C. :

1 Vide order dated 18th April 2022 Registrar (Judicial) was directed to examine whether the aforesaid appeal filed against the judgment and order was maintainable before the Sessions Court or before this Court and a report was to be submitted to this Court on 7th June 2022.

2 Accordingly, Registrar (Judicial-1) has submitted his report dated 30th April 2022. From the said report it is clear that the appeal would lie before the Sessions Court and not before this Court.

3 In view of the report, learned counsel for the appellant seeks leave to withdraw the aforesaid appeal with liberty to file an appropriate appeal before the Sessions Court.

4 If an appeal is filed before the Sessions Court, alongwith an application seeking condonation of delay, the learned Sessions Judge to consider the period the aforesaid appeal was pending before this Court, while considering the delay application.

5 Accordingly, the appeal stands disposed of as withdrawn.

6 It is made clear that we have not gone into the merits of the appeal and as such, all the contentions of the appellant are kept open.

7 All concerned to act on the authenticated copy of this order.

(V. G. BISHT, J.)

(REVATI MOHITE DERE, J.)