

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

**CRIMINAL APPEAL NO.115/2022
Shrikrushna @ Rama Dayaram Vitokar**

..VS..

**State of Mah., thr.PSO Nandura, PS Nandura, Tahsil Nandura, District Buldhana
and anr**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri Rahul Tajane, Counsel for the appellant.
Shri Virat Mishra, Counsel for respondent No.2.
Shri S.M.Ghodeswar, Addl.P.P. for the state.

**CORAM : V.M.DESHPANDE &
AMIT B.BORKAR, JJ.**

DATED : MARCH 17, 2022.

1. Learned counsel Shri Rahul Tajane for the appellant, submits that a permission be given to the appellant to withdraw the present appeal in view of filing of chargesheet. He submits that a liberty to the appellant to file a fresh application, under Section 439 of the Code of Criminal Procedure, be granted to him before Trial Court.

The prayer is accepted.

2. The criminal appeal is **disposed** of as withdrawn with liberty to the appellant to file a fresh application under Section 439 of the Code of Criminal Procedure before Trial Court in view of filing of chargesheet which is change in circumstance.

3. If the application is filed, it is expected that learned Judge below shall consider the same in accordance with law.

JUDGE

!! BRW !!

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JUDGE

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