

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

CRIMINAL APPEAL NO.567/2021

Salim Himayat Saiyyad

..vs..

The State of Mah., thr.PSO Sitabuldi, District Nagpur and anr

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

Court's or Judge's Order

.....

Shri N.R.Wasnik, Counsel for the appellant.

Shri S.S.Doifode, Addl.P.P. for the state.

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

DATED : MARCH 17, 2022.

1. Heard.
2. This appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is filed by the appellant since learned Judge below rejected application under Section 439 of the Code of Criminal Procedure by order passed below Exhibit-5 of Special Atrocity Case No.532/2021 in Crime No.331/2021.
3. Notices on this appeal were issued. In pursuance to said Notices, the State filed its reply.

Though respondent No.2 is served and though Advocate Ms Sonali Saware filed her Vakalatnama on his behalf, nobody is appearing when the matter was called out for its hearing.
4. After hearing learned counsel Shri N.S.Wasnik for the appellant and learned Additional Public Prosecutor Shri S.S.Doifode for the state *in extenso* and after perusing relevant statement of prosecutrix and other material and when the Court expressed its opinion that the Court is dismissing the appeal, learned counsel for the appellant submitted that a permission be

given to the appellant to withdraw the appeal.

The prayer is accepted.

5. The criminal appeal is **dismissed** as withdrawn.

6. Since learned counsel for the appellant is withdrawing the appeal, the Court is not giving detailed reasons as to why the appeal needs dismissal.

JUDGE

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JUDGE