

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1389 OF 2023

Kalpesh Agyaram Varma	Appellant
Versus	
The State of Maharashtra	 Respondent

**.....
WITH
INTERIM APPLICATION NO.2096 OF 2024
IN
CRIMINAL APPEAL NO.1389 OF 2023**

None for the Appellant.
Ms. Sangita D. Shinde, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JUNE, 2024

P.C. :

1. This Appeal is filed in November, 2023. The Appeal is still pending for admission. In the meantime, the Appellant preferred I.A. No.2096/2024 through jail. His Application is endorsed by the Superintendent of Jail, Kolhapur Central Prison, Kalamba. In that Application, the

Appellant has categorically stated that he does not want to prosecute this Appeal and that he is willing to undergo the sentence. He has stated that he is voluntarily prepared to withdraw the Appeal. He has made a specific request for withdrawal of the Appeal.

2. The Appellant was the original accused No.2 in Sessions Case No.75/2017 before the Additional Sessions Judge, Thane. Vide the judgment and order dated 14.9.2023, he, along with others, was convicted and sentenced. The Appellant was convicted for commission of the offence punishable under Section 395 read with 34 of IPC and was sentenced to suffer RI for five years and to pay fine of Rs.5,000/- and in default to suffer SI for one month. He was also convicted under Section 341 read with 34 of IPC for which he was sentenced to suffer SI for one month.

3. The impugned order shows that the Appellant was in custody since 13.9.2016 to 7.8.2019. The Application sent through jail mentions the note of the Superintendent of the Central Prison that the Appellant had surrendered on

24.11.2023. Thus, the Appellant has substantially undergone the sentence. He does not want to proceed with the Appeal.

4. In this view of the matter, the Appeal is allowed to be withdrawn and is disposed of. Interim Application No.2096/2024 is allowed in the aforesaid terms and it is also disposed of.

(SARANG V. KOTWAL, J.)