

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

CRIMINAL APPEAL NO.662 OF 2024

Nagesh Shivtambi KoundarAppellant
Versus
The State of Maharashtra
and another Respondents

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WITH
INTERIM APPLICATION NO.2199 OF 2024
IN
CRIMINAL APPEAL NO.662 OF 2024

....
WITH
INTERIM APPLICATION NO.2200 OF 2024
IN
CRIMINAL APPEAL NO.662 OF 2024

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WITH
INTERIM APPLICATION NO.3188 OF 2024
IN
CRIMINAL APPEAL NO.662 OF 2024

Mr. Dharmendra D. Jadhav, Advocate (appointed) for the
Appellant/Applicant.
Mr. S.H. Yadav, APP for the Respondent No.1-State.
Mr.Tukaram Shendge,Advocate(appointed) for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th AUGUST, 2024

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P.C. :

1. The Appellant/Applicant was the accused in Special Case No.352/2020 before the Special Judge under the POCSO Act, Dindoshi, Greater Mumbai. The learned Judge, vide judgment and order dated 21.4.2023 convicted the Appellant/Applicant for commission of the offence punishable under Sections 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act') and under Section 354 of IPC. The major sentence imposed on him was RI for five years besides imposition of fine. He was acquitted from the charges of commission of offences punishable under Section 376(AB), 376, 377, 506 of IPC and under sections 4 & 6 of the POCSO Act.

2. The Appellant/Applicant has preferred this Appeal challenging that judgment and order. However, during pendency of the Appeal, the Appellant/Applicant has sent an application dated 16.7.2024, through jail, expressing his desire to withdraw that Appeal and making the same prayer. According to him, his sentence was getting over. On receipt of this application, I had directed the learned appointed counsel

for the Appellant to have a video-conference with the Appellant/Applicant and verify the genuineness of his request. Accordingly, the learned appointed Advocate had a video-conferencing with the Appellant/Applicant and he confirms that the Appellant/Applicant wants to withdraw the Appeal preferred by him. Learned appointed counsel has furnished a written purshis noting all these facts. It is taken on record and marked 'X' for identification.

3. Considering the request made by the Appellant/Applicant, which is confirmed by the learned appointed counsel, the Appeal can be permitted to be withdrawn. Hence, the following order:

ORDER

- (i) The Appeal is allowed to be withdrawn and is disposed of.
- (ii) The accompanying applications are also disposed of.

(SARANG V. KOTWAL, J.)