

(2023) 02 KAR CK 0020
In the Karnataka High Court
Case No : Criminal Appeal No. 1894 Of 2017

Kannan @ KANNAIAH

APPELLANT

Vs

State By Aldur Police Chikkamagaluru District Represented By
Public Prosecutor High Court Building, Bangalore ? 560001

RESPONDENT

Date of Decision : 08-02-2023

Acts Referred:

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4
Indian Penal Code, 1860 — Section 363, 366, 376

Citation : (2023) 02 KAR CK 0020

Hon'ble Judges : Shivashankar Amarannavar, J

Bench : Single Bench

Advocate : Girish B Baladare, S. Viswamurthy

Final Decision : Dismissed

Judgement

Shivashankar Amarannavar, J

1. Learned counsel for the appellant files a memo for withdrawal of the appeal. The memo reads thus:

"The under signed council appearing for appellant submits that, the appellant was convicted for the offence P/U/S 363, 366 and 376 of IPC and sec 3 and 4 of protection of children from sexual offence act by the I Additional Sessions and Special Judge, Chikkamagaluru in SPL.C. (POCSO) No: 6/2015 against which the above appeal preferred by the appellant by challenging the conviction. Now he is in judicial custody since from the date of conviction, for his good conduct the remission was accorded under the jail authority act. With regard to the above subject matter letter correspondence between the appellant, jail authority with legal service authority of Karnataka high court, said correspondence letter was furnished along with this memo. Hence, in view of the above facts and circumstances permit the appellant to withdraw the above appeal has not pressed in order to avail the benefit as stated above, in the interest of justice and equity."

2. The memo is enclosed with a letter of the appellant addressed to the Member Secretary, Karnataka State Legal Services Authority, wherein he has prayed for withdrawal of the appeal. The said letter of the appellant is forwarded by the Superintendent, Central Prison, Dharwad to the Member Secretary under letter dated 02.12.2022. Even the memo for withdrawal of the appeal contains the signature of the appellant. In view of the above, the appeal is dismissed as not pressed.

3. Send back the trial Court records with a copy of this order and intimate the withdrawal of the appeal to the concerned jail authorities.