

**IN THE HIGH COURT OF BOMBAY AT GOA**

CRIMINAL MISC. APPLICATION NO. 276 OF 2003

LEVI ANYANWU, PANAJI-GOA.

....Applicants

Versus

PRAKASH JADHAV AND 5 ORS.,

....Respondents

IN PERSON,

Coram:- P. V. HARDAS, J.

Date:- 18th December, 2003

P.C.:

Heard Mr.Teles, learned counsel for the applicant.

2. This is an application challenging the acquittal of the respondents/accused for offences punishable under Sections 143, 147, 323 and 427 read with Section 149 of the Indian Penal Code.

Undisputedly the prosecution was instituted on the basis of the police report. An appeal, at the behest of the complainant, challenging the acquittal of the accused is not maintainable.

This being the position, Mr.Teles, learned counsel, seeks permission to withdraw the application and prays for liberty to file a Criminal Revision Application challenging the acquittal.

3. Criminal Miscellaneous Application is dismissed as withdrawn with the aforesaid liberty.

P. V. HARDAS, J.