

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF JANUARY 2016

BEFORE

THE HON'BLE MR.JUSTICE A. N. VENUGOPALA GOWDA

**CRIMINAL APPEAL No.485 OF 2015**

**BETWEEN:**

H.BASANNA @ RAJU  
PROPRIETOR OF  
MALLINATH TRADING COMPANY MERCHANTS  
AND COMMISSION AGENT, PLOT NO.13  
'C' CROSS, APMC YARD  
BELLARY-583 101

... APPELLANT

(BY SRI.S DORAI BABU, ADV.,)

**AND:**

M/S. SUPRIYA POULTRY FARM  
GATTAHALLI VILLAGE  
HOSKUR POST  
SARJAPURA HOBLI VIA HOSUR ROAD  
BANGALORE  
SRI.VENKATA RAO  
GATTAHALLI POULTRY FARM  
GATTAHALLI VILLAGE  
HOSKUR POST  
SARJAPURA HOBLI VIA HOSUR ROAD  
HOSUR ROAD, BANGALORE

... RESPONDENT

THIS CRIMINAL APPEAL IS FILED U/S.378(4) CR.P.C. PRAYING TO SET ASIDE THE ORDER PASSED BY THE APPELLATE COURT IN CRL.A.NO.403/13 DATED 12.3.2014 BY CONFIRMING THE JUDGMENT IN C.C.NO.37137/2006 DATED 18.7.2013 – ACQUITTING THE RESPONDENT/ ACCUSED FOR THE OFFENCE P/U/S 138 OF N.I. ACT.

THIS CRL.A. IS COMING ON FOR ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:

### **JUDGMENT**

This appeal was filed on 10.06.2014, to set-aside the order dated 12.03.2014, passed in Crl.A.No.403/2013, by the Additional Sessions Judge, Bengaluru and to confirm the judgment and order dated 18.07.2013, passed in CC No.37137/2006.

2. Appellant was the complainant and respondent was the accused in CC No.37137/2006. Therein, the accused was found guilty of the charged offence and was sentenced. The appeal having been filed by the accused, the judgment of conviction and order of sentence was set-aside. This appeal is directed against the said judgment and order.

3. Learned advocate for the appellant filed a memo dated 25.01.2016, praying to dismiss the appeal as withdrawn.

4. Having regard to the submission made on the record of the case, the withdrawal as sought in the memo can be allowed.

In the circumstances, memo is placed on record and the appeal stands dismissed as withdrawn.

**Sd/-  
JUDGE**

GH