

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2021

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.2683 OF 2021

BETWEEN:

THILAKRAJSHEKAR C.
S/O. CHRISTOPHER,
AGED ABOUT 22 YEARS,
RESIDING AT NO.69-T-02,
10TH CROSS, BHARATHIDASA NAGARA,
HOSUR TOWN, KRISHNAGIRI DISTRICT,
TAMILNADU STATE.

... PETITIONER

(BY SRI RAJESH RAO K., ADV.)

AND:

1. THE STATE
BY R.M.C. YARD POLICE STATION,
REPRESENTED BY THE GOVERNMENT PLEADER,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.

2. BALARAMA
S/O. LATE GURUSWAMY,
AGED ABOUT 40 YEARS,
RESIDING AT NO.91,
SANJAYGANDHI NAGARA,
PIPELINE ROAD,
YESHWANTHAPURA,
BENGALURU – 560 022.

... RESPONDENTS

(BY SRI THEJESH P., H.C.G.P., FOR R-1)

* * *

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.150 OF 2020 OF R.M.C. YARD POLICE STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 363, 366 AND 376 OF THE IPC AND SECTIONS 4, 5(L) AND 6 OF THE POCSO ACT AND SECTION 3(2)(5) OF THE SC/ST (POA) ACT.

THIS CRIMINAL PETITION IS COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Learned counsel for the petitioner seeks permission of the Court to withdraw the petition and to file an appeal as the alleged offences are punishable under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. In view of the judgment of the Hon'ble Division Bench of this Court in Criminal Appeal No.1078 of 2020 dated 30-3-2021, an appeal lies and not the petition under Sections 438 or 439 of the Cr.P.C.

3. Accordingly, the petition is ***dismissed*** as withdrawn with liberty to file an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Registry is directed to return the certified copy of the orders to the learned counsel for the petitioner, forthwith.

**Sd/-
JUDGE**

kvk