

(2025) 12 KAR CK 0021

Karnataka HC

Case No: Criminal Appeal No. 633 Of 2013

Shivu @ Shivakumar

APPELLANT

Vs

State Of Karnataka

RESPONDENT

---

**Date of Decision:** Dec. 2, 2025**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 70(2)

**Hon'ble Judges:** G Basavaraja, J**Bench:** Single Bench**Advocate:** Chakravarthy T.S, Rangaswamy R**Final Decision:** Disposed Of

---

### Judgement

G Basavaraja, J

1. Sri Chakravarthy T.S., learned counsel has filed vakalath on behalf of the appellant.
2. Learned counsel for the appellant has filed an application under Section 70(2) of Code of Criminal Procedure. Imprisonment Certificate issued by the Superintendent, Central Prison, Ballari is also produced along with the said application, which reveals that the prisoner has completed the substance sentence of 10 years on 30.02.2021 including under trial period from 01.02.2012 to 03.12.2012 and remission earned 695 days as per the prison rules under the remission rule and was continued in prison for serving sentence imposed in default of payment of fine. The prisoner has paid Rs.31,000/- in the Court in Q. Receipt No.30/2020-2021 on 16.03.2021 and order received on 17.03.2021. The convict prisoner has been released from the prison on 17.03.2021 on expiry of sentence in S.C.No.47/2012.
3. In view of the certificate, the application is allowed. Accused shall be released forthwith.
4. Issue release order.
5. Learned counsel for the appellant has filed memo for withdrawal, which reads as under:

*"The undersigned counsel appearing for the Appellant respectfully submits that the Appellant was convicted in S.C.No.47/2012 by the Hon'ble Principal District and Sessions Judge, Davanagere, vide judgment dated 06.06.2013. He has completed the sentence and paid the fine amount, and was thereafter released. Subsequently, the Hon'ble Court issued an NBW against the accused through the Superintendent of Police, Davanagere, pursuant to which the police arrested the accused and produced him before the Trial Court. The appellant is now in judicial custody. In view of the above circumstances, the present appeal has become infructuous. Hence, the appellant may kindly be permitted to withdraw the above-captioned matter, in the interest of justice and equity."*

6. In view of the memo, appellant is permitted to withdraw the above appeal.

7. Accordingly, the Criminal Appeal is **disposed of**.