

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPEAL NO. 408 OF 2000

Geetaram s/o Kadubal Rodge,
age 23 years, occ. Agril.,
R/o Gondegaon, Tq. Newasa,
District Ahmednagar

...Appellant
[Orig. Accused No. 4]

VERSUS

1] The State of Maharashtra

2] Mohan s/o Bhoju Pathak,
age 35 years, occ. Agril.,
R/o Gondegaon, Tq. Newasa,
Dist. Ahmednagar

...Respondents

.....
Shri A.S.Barlota, advocate h/f
Shri S.K.Barlota, advocate for the appellant
Smt. V.A.Shinde, A.P.P. for respondent
.....

CORAM : V.M.DESHPANDE, J.

DATED : 13th April, 2015

ORAL JUDGMENT : -

1] By the present appeal, the appellant Geetaram Kaduba Rodge challenged the judgment and order passed by the learned II Additional Sessions Judge, Shrirampur, dated 14.8.2000 in Sessions Case No. 101 of 1995.

2] I have heard Shri A.S.Barlota, learned counsel for the appellant and Smt.V.A.Shinde, learned Additional Public Prosecutor for the State.

3] By the judgment and order, dated 14.8.2000, the learned Additional Sessions Judge, Shrirampur convicted the present appellant, who is original accused no.4 for the offence punishable under Section 304 Part II of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.5,000/-, in default to suffer further rigorous imprisonment for one year. He was also convicted for the offence punishable under Section 307 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for four years and to pay a fine of Rs.5,000/-, in default to suffer further rigorous imprisonment for one year. However, the learned trial court released the original appellant on probation of good conduct by entering into a bond for a period of two years from the date of said order. It was directed that he shall maintain peace and to be of good behaviour during the said period. It was further directed that in case he commits breach of the condition of bond, he shall appear before the court to receive the sentence.

4] The present appeal was filed before this court on 11.10.2000, however, stay was not granted by this court in favour of the present appellant.

5] In that view of the matter, Shri Barlota, learned counsel submits that since the appellant has already executed the bond and the period of two years has elapsed, the present appeal has rendered infructuous. Statement is accepted.

6] Criminal Appeal No. 408 of 2000 filed on behalf of Geetaram Kaduba Rodge is dismissed as infructuous.

(V.M.DESHPANDE, J.)

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