

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 387 OF 2001

Pirmohammad Kasam Shaikh

Age : 35 years,

R/o : Shiblapur, Tq. Sangamner,

Dist : Ahmednagar

.. Appellant
(Orig. Accused)

VERSUS

The State of Maharashtra

.. Respondent

Mr. V.Y. Bhide, Advocate for the appellant

Mr. N.T. Bhagat, A.P.P. for the respondent/State

CORAM : M.T. JOSHI, J.

DATE : 15/12/2015

OPERATIVE ORDER :

. For the detailed reasons forwarded in the Judgment delivered today, the following order is passed:-

2. Criminal Appeal is partly allowed.

3. The impugned order dated 30/08/2001 passed by the learned Additional Sessions Judge, Sangamner in Sessions Case No. 200 of 2000, convicting and sentencing the appellant for the offence punishable

under section 307 of the Indian Penal Code is hereby set aside.

4. Consequently, the impugned order regarding the sentence is also set aside.

5. Instead, the appellant is convicted for the offence punishable under section 326 of the Indian Penal Code. He is directed to suffer rigorous imprisonment for a period of 5 years and also to pay a fine of Rs.2,000/-, in default of payment of fine, he is directed to further suffer rigorous imprisonment for a period of 3 months.

6. The appellant was under-trial prisoner during the trial and was also behind the bar for certain period during the pendency of the appeal. The necessary set off, as per the rules, therefore be given to the appellant.

7. The appellant shall surrender before the learned Sessions Judge, Sangamner within a period of six (6) weeks from the date of this Judgment. Upon failure, the learned Sessions Judge, Sangamner to

take steps for bringing the appellant in the Court for serving the rest of the sentences now awarded.

8. Criminal Appeal stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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