

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.885 OF 2014

Anil Maruti Pawar & Anr.		Appellants
<i>Versus</i>		
The State of Maharashtra, Thru' Pandharpur City Police Station		Respondent

Ms. Rohini M. Dandekar, Appointed
Advocate, for the Appellants.

Mrs. A.S. Pai, A.P.P., for the Respondent-
State.

CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 3RD AUGUST, 2015.

P.C. :

1. By Judgment and Order dated 21st July, 2015, the Appeal preferred by accused Anil Maruti Pawar and Bhima Suresh Shingade *alias* Dhobale was partly allowed. The conviction and sentence of the appellants under Section 302 r/w. 34 of the IPC was set aside and the appellants were convicted under Section 304 Part II of the IPC and sentenced to suffer R.I. for four years

and to pay fine of Rs.10,000/- each, in default to suffer S.I. for two months. However, it was noticed that these Appeals were preferred against the Judgment and Order dated 29th March, 2014 passed by the learned Additional Sessions Judge-1, Pandharpur in Sessions Case No.58 of 2011. It was further noticed that in the said case, besides the appellants Anil and Bhima, one other accused, i.e. co-accused Sagar Dhondiram Pawar, was also convicted under Section 302 r/w. 34, 504 r/w. 34 and 506 r/w. 34 of the IPC.

2. However, it was noticed that Sagar Pawar has not preferred an Appeal. Hence, we had asked the learned A.P.P. to inform the Jailer of Kolhapur Central Prison to record the statement of co-accused Sagar Pawar informing him to prefer the Appeal. The said statement was to be produced in this Court on the next date.

3. Pursuant to the orders of this Court dated 21st July, 2015, the statement of Sagar Dhondiram Pawar has been recorded. The learned A.P.P. has produced the said statement along with the covering letter of the Jailer of Kolhapur Central Prison. They

are taken on record and marked "X" collectively for identification. The learned A.P.P. informed this Court that Sagar Pawar is suffering from mental illness and he is under treatment for mental illness in the Jail. The statement of co-accused Sagar Pawar also shows that he is suffering from mental illness, because in the statement he has stated that he has not yet been convicted.

4. Looking to the fact that the co-accused Sagar Pawar is not in a fit mental condition to file an Appeal, the Jail Authorities to ensure that proper medical treatment is given to co-accused Sagar Pawar and as and when he is in a fit mental condition, he be informed that he may prefer an Appeal against his conviction and sentence.

5. No further orders are necessary in this Appeal.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [SMT. V.K. TAHILRAMANI, J.]