

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.673 OF 2001

State of Maharashtra,]
Thru' Khar Police Station, Mumbai] Appellant

Versus

1. Smt. Sunanda Dhondu Ambre]
2. Nandakishore Dhondu Ambre]
3. Sharad Appa Karle]
All residing at Karle Chawl,] Respondents /
Dr. Ambedkar Road, Near Dun Hill] (Org. Accused
Building, Khar, Mumbai – 400 052.] Nos.2 to 4)

Ms. Rajeshree Gadhvi, A.P.P., for the
Appellant/State.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 21ST AUGUST, 2015.

P.C. :

1. This Appeal is preferred by the State seeking enhancement of punishment of the Respondents/Accused, on the ground that punishment imposed by the Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai in Criminal Case No.611/P-1990 vide its Judgment and

Order dated 6th June, 2001 is inadequate and meager. It was submitted by learned A.P.P. that, though by the impugned Judgment the Respondents/Accused are held guilty for the offence punishable under Section 325 r/w. 34 of the IPC, the Trial Court has imposed the punishment of only S.I. till rising of the Court and fine of Rs.2,000/- each, in default to suffer S.I. for one month. It was urged that the injuries caused to PW-1 Rajni Karle were of grievous nature. There was medical evidence proving the said injuries, which were in the nature of fracture to the left and right rib, and she was admitted in the hospital for six days. In view thereof, the punishment is disproportionately meager and, therefore, interference is called for.

However, the record of the Appeal goes to prove that the Respondents/Accused had preferred Criminal Appeal No.200 of 2001 against this Judgment of conviction before the Court of Sessions, Greater Bombay, challenging their conviction and vide its Judgment dated 20th March, 2003, the Additional Sessions Judge, Greater Bombay has allowed the said Appeal and set aside the impugned Judgment of conviction. Accordingly, the Respondents/Accused are acquitted for the offence punishable under Section 325 r/w. 34 of the IPC.

In view of this Judgment of acquittal, as recorded by the Sessions Court, this Appeal preferred by the State seeking enhancement of punishment becomes infructuous. Hence, the Appeal stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]