

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO.738 OF 2014
Dinesh S. Aakode Vs. The State of Maharashtra

Office notes, office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's Orders
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Shri Ahbaykumar Apte, Advocate
Appointed by Legal Aid for Appellant.
Shri A.S. Shitole, A.P.P. for the State.

**CORAM: SMT V.K. TAHILRAMANI AND
SHRI B.P. COLABAWALLA JJ.**

DATED : 25TH MARCH, 2015

P.C. :

For the reasons stated in the
judgment dated 25.3.2015 the
following order is passed :

ORDER

1. Considering the evidence on record, we are of the view that Exception 4 to section 300 of IPC applies to the facts of the case and the appropriate conviction would be under section 304 Part I of IPC. Hence, conviction and sentence of the Appellant under section 302 of

IPC is set aside, instead the appellant is convicted under section 304 Part I of IPC. In our view, custodial sentence of eight years RI and fine of Rs.2,000/-, in default SI for two months would meet the ends of justice.

2. The Appeal is allowed to the aforesaid extent.

3. Office to communicate this order to the Appellant who is in Kolhapur Central Prison and to the Superintendent of Kolhapur Central Prison, Kolhapur.

(SMT. V.K. TAHILRAMANI J.)

(SHRI B.P. COLABAWALLA J.)