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

CRIMINAL APPEAL NO. 502 OF 2002
WITH
CRIMINAL APPLICATION NO. 1507 OF 2016
AND
CRIMINAL APPLICATION NO. 2233 OF 2016

Bhimrao s/o Ramji Ghoghare and ors. ...Appellants

VERSUS

The State of Maharashtra ...Respondent

.....

Shri P.P.Mandlik, advocate for appellants
Shri Amol Gandhi, advocate for applicants in applications
Shri S.N.Morampalle, A.P.P. for respondent/State

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CORAM : INDIRA K.JAIN, J.
DATED : 18th APRIL, 2016

O R D E R :

This appeal takes an exception to the judgment and order, dated 26.8.2002, passed by learned Additional Sessions Judge, Nanded in Special Case No.86 of 1995. By the said judgment and order, the learned Additional Judge convicted the appellants of the offences punishable under Sections 147 and 295 of the Indian Penal Code and sentenced to suffer simple imprisonment for six months and fine of Rs.1,000/- with default clause.

2] Complainant Dilip Maroti Chitte preferred Criminal Application Nos. 1507 of 2016 and 2233 of 2016 along with affidavit, dated 18.4.2016 stating therein that the matter has been amicably settled between the parties and he does not want to proceed with the matter. He seeks permission to withdraw complaint.

3] Appellants No. 4-Dattatraya Tadkule, 12-Baliram Ghoghare, 15-Sanjay Pawade, 16-Balaji Saurate and 21-Kashinath Pangrekar died during pendency of appeal. Hence, appeal abates against appellant nos. 4, 12, 15, 16 and 21. Rest of the appellants and complainant have filed separate affidavit. Same is taken on record and marked 'X' for identification purpose. It is submitted that they belong to same village and with a view to maintain harmonious relations they have compromised the matter. Parties have been identified by their respective counsel.

4] Considering the reasons assigned in the affidavit, parties are permitted to compound the offences and accordingly following order is passed.

O R D E R

(i) Criminal Appeal No. 502 of 2002 is allowed.

(ii) The impugned judgment and order, dated 26.8.2002, passed by learned Additional Sessions Judge, Nanded in Special Case No.86 of 1995 is set aside.

(iii) Appellants are acquitted of the offences punishable under Sections 147 and 295 of the Indian Penal Code.

(iv) The bail bonds of the appellants stand cancelled.

(v) Fine amount, if paid by the appellants, be refunded to them.

[INDIRA K.JAIN, J.]

dbm/cra502.02