

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 569 OF 2012

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|---|---|-------------------|
| 1 | Vishwambhar Ramji Gaikwad, Aged 45 years, Occupation Mason, | APPELLANTS |
| 2 | Gangadhar @ Gangaprasad Vishwambhar Gaikwad, Aged 20 years, Occupation Mason, | |
| 3 | Sainath Laxman Gaikwad, Aged 19 years, Occupation Labour, | |
| 4 | Dadarao Digambar Gaikwad, Aged 23 years, Occupation Education, | |
| 5 | Dhanraj Sambhaji Gaikwad, Aged 19 years, Occupation Labour, | |
| 6 | Madhav Sambhaji Gaikwad, Aged 29 years, Occupation Mason, | |
| | All Resident of Borgaon, Taluka Bhokar, District Nanded | |

V E R S U S

The State of Maharashtra

RESPONDENT

Mr. Kishor C. Sant, Advocate for the Appellants
Mr. S.D. Ghayal, A.P.P. for the Respondent – State
Mr. D.Y. Nandedkar, Advocate to assist the A.P.P.

**CORAM : A.V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 07.03.2016

P.C. :-

. For the reasons recorded separately, following order is passed :-

. The criminal appeal is partly allowed. The operative order of judgment passed by learned Additional Sessions Judge, Bhokar dated 16.07.2012 in Sessions Case No.28 of 2011 is substituted by following order :-

1. Accused Nos. 1,3 to 6 are acquitted for the offence punishable under section 302 read with section 149 of the Indian Penal Code.

2. Accused No.2 is convicted for the offence punishable under section 302 of the Indian Penal Code and sentenced to suffer life imprisonment. He shall also pay fine of Rs.5000/- (Rupees Five Thousand), in default, to suffer rigorous imprisonment for six months.

3. Accused Nos.1 to 6 are convicted for offence punishable under section 323 read with section 149 of the Indian Penal and sentenced to suffer rigorous imprisonment for one month each and to pay fine of Rs.500/- (Rupees Five Hundred) each, in default, to suffer further rigorous imprisonment for 15 days.

4. Accused Nos.1 to 6 are acquitted for the offence punishable under section 504 & 506 read with section 149 of the Indian Penal Code and under section 37 (1) (3)/135 of the Bombay Police Act.

5. All the sentences shall run concurrently.

6. Set off be given to the the accused for the period of detention already undergone by them.

7. The muddemal property being worthless be destroyed after the period of appeal is over.

[INDIRA K. JAIN,J.]

[A.V. NIRGUDE,J.]