

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 6859 OF 2015
IN APEAL/89/2004

MANIK SAKHARAM BHADADE AND OTHERS
VERSUS
STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Kalyan S. Chavan
APP for Respondent : Mr. S. N. Morampalle.

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CORAM : **INDIRA K. JAIN, J.**
DATE : 20th April, 2016.

P.C.:

. Applicants were original Accused in S.C.C. No.1238 of 2001 before the learned Judicial Magistrate First Class, Pathri. They were charged for the offences punishable under Sections 143, 323 504 and 506 read with 34 of the Indian Penal Code and Section 135 of the Bombay Police Act.

2 Accused pleaded not guilty and claimed to be tried. They were acquitted of the charge. Being aggrieved by the judgment and order of acquittal State came up in Criminal Appeal No.89 of 2004 before this Court.

3 Complainant Gopikishan S/o. Nandlal Asawa has filed an affidavit. He states that during pendency of State appeal matter has been settled with the Accused. They are of same village. One Raghunath Pandharinath Chavan was also an injured. He died during pendency of appeal. Death certificate has been placed on record showing that Raghunath Chavan died on 4th December, 2009. Sahebrao Bhimrao Mane was one of the Accused. He died on 9th February, 2014. Death certificate of Sahebrao Mane is also placed on record.

4 In light of above and since matter has been amicably settled between the parties this Court finds that no purpose would be served if appeal is decided on merits. Criminal application thus deserves to be allowed. Hence the following order –

ORDER

Criminal Application 6859 of 2015 is allowed in terms of prayer clause (B).

[INDIRA K. JAIN, J.]