

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 457 OF 1995

- | | | | |
|----|--|---|-------------------|
| 1. | Balu Pandurang Latke, age 35 years |) | |
| | R/o. Dattanagar, Galli No.10, Shahapur |) | |
| | Ichalkaranji, Dist. Kolhapur & R/o. |) | |
| | Mundavi, Tal. Mangalwedha, Dist.Solapur. |) | |
| 2. | Anil Changdev Yeware, age 34 years, |) | |
| | R/o. Lane No.1, Ichalkaranji, Dist.Kolhapur) |) | |
| | R/o. Bhutaste, Tal. Madha, Dist. Solapur. |) | |
| | Both at present in Kolhapur Central |) | |
| | Prison, Kolhapur. |) | .Appellants/Orig. |
| | vs. | | accused 3 & 4. |
| 1. | The State of Maharashtra |) | |
| 2. | Smt. Usha Achut Shinde, adult |) | |
| | R/o. Ambedkarnagar, Barshi Chawl, |) | |
| | Ichalkaranji, Tal. Hatkalangade, |) | |
| | District Kolhapur. |) | ...Respondents |

Mr. Rohan Nahar, Advocate for the appellants.
Mrs. A.A.Mane APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 28th January, 2016.

P.C.

For the reasons to be recorded separately in the Judgment, the
following order is passed :-

ORDER

- (i) The Appeal is partly allowed.
- (ii) The appellants are acquitted of the offence punishable under Section 304 Part II read with Section 34 of the Indian Penal Code
- (iii) The appellants are convicted for the offence punishable under Section 324 of the Indian Penal Code and are sentenced to the period already undergone.
- (iv) The sentence of fine is maintained.
- (v) The widow of deceased - Smt. Usha Achut Shinde shall file an application for withdrawing the amount of Rs.6,000/- to be paid to her towards compensation.
- (vi) This Court had issued non-bailable warrant against original accused No.4 – Anil Changdev Yeware. He was arrested on 17.1.2016 and is produced before this Court. Since the accused are sentenced to the period already undergone, he be released forthwith, if not required in any other case.
- (vii) The bail bonds of the accused stand cancelled.
- (viii) The professional fees of the Advocate are quantified at Rs.2,000/- (Rupees two thousand only) to be paid to the Advocate appointed within three months from today.

(ix) Parties to act on an authenticated copy of this Order.

Appeal stands disposed of.

(SMT.SADHANA S.JADHAV, J.)