

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 398 OF 1996

Subhash Sugandh Jagtap. ... Appellant.
Versus
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL APPEAL NO. 594 OF 1995

Vishwas Nana Kamble & anr. ... Appellants.
Versus
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL APPEAL NO. 610 OF 1995

Baliram Dhondiba Kamble. ... Appellant.
Versus
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL APPEAL NO. 639 OF 1995

Baban Maruti Kamble & anr. ... Appellants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rahul S. Kate, advocate for appellants in Cr. Appeal No. 398/96,
594/95, 639/95.

Mr. Rahul S. Kadam, advocate for appellant No.1 in Cr. Appeal No.
594/95, 639/95.

Mr. Abhijit P. Kulkarni, advocate for appellant in Cr. Appeal No. 610/95.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : FEBRUARY 2, 2016

P.C.:

1 For the reasons to be recorded separately, following operative order is passed :

CRIMINAL APPEAL NO. 398 OF 1996

- (i) The appeal is partly allowed.
- (ii) The appellant/original accused No. 12 herein is acquitted of the offence punishable under Section 304 part II of the Indian Penal Code.
- (iii) The appellant is convicted for offence punishable under Section 326 of the Indian Penal Code and is sentenced to the period already undergone.
- (iv) The conviction under Section 324 read with Section 149 of the Indian Penal Code and under Section 148 of the Indian Penal Code is maintained.

(v) The sentence of fine is maintained.

(vi) The bail bond stands cancelled.

WITH

CRIMINAL APPEAL NO. 594 OF 1995

WITH

CRIMINAL APPEAL NO. 639 OF 1995

CRIMINAL APPEAL NO. 610 OF 1995

(i) The appeal is partly allowed.

(ii) The conviction of the appellants for offence punishable under Section 326 of the Indian Penal Code read with 34 of the Indian Penal Code is hereby quashed and set aside. The appellants are convicted for the offence punishable under section 324 of the Indian Penal Code and are sentenced to the period already undergone.

(iii) Sentence of fine is maintained.

(iv) The bail bond stands cancelled.

All the appeals are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)