

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD.

CRIMINAL APPEAL NO.265 OF 2014.

WITH

CRIMINAL APPEAL NO.105 OF 2016.

- 1) Santosh s/o Bhagwan Waghmare,
age 28 years, Occu. Labour,
r/o Mahatma Gandhi Kushtadham Colony,
Latur.
 - 2) Madhav @ Sadhu s/o Rama Ambade,
age 21 years, Occu. Labour,
r/o Mahatma Gandhi Kushtadham
Colony, Latur.
- ... APPELLANTS.**
(Ori. Accused Nos.1 & 4)

Versus

The State of Maharashtra. **... RESPONDENT.**

...
Advocate for appellants : Mr.Zia Ul Mustafa & Smt.Preeti
R. Wankhede (appointed).
APP for State : Mr.A.A. Jagatkar.
...

WITH

CRIMINAL APPEAL NO. 105 OF 2016

- 1) Kacharu s/o Shesherao Jogeshwari,
age major, occu. Nil,
Orig. r/o Mahatma Gandhi Kusthdham,
Colony, Latgur, Dist. Latur,
presently at Central Prison,
Aurangabad.
- ... APPELLANT.**
(Ori. Accused No.2)

Versus

The State of Maharashtra. **... RESPONDENT.**

...
Advocate for Appellant : Mr.R.D. Sanap (appointed).
APP for State : Mr.A.A. Jagatkar.
...

CORAM : V.L. ACHLIYA, J.

Reserved on: 21.02.2017.
Pronounced on: 04.05.2017.

PER COURT:

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

- i) Criminal Appeal No.265/2014 and Criminal Appeal No.105/2016 are allowed;
- ii) The judgment and order dated 25.03.2014 passed by the Additional Sessions Judge-2, Ambejogai in Special Case No.01/2007 is set aside to the extent of appellants;
- iii) Appellants in Criminal Appeal No.265/2014 i.e. Santosh s/o Bhagwan Waghmare (Ori. accused No.1) and Madhav @ Sadhu s/o Rama Ambade (Ori. Accused No.4) and appellant in Criminal Appeal No.105/2016 i.e. Kacharu s/o Shesherao Jogeshwari (Ori. Accused No.2) are hereby acquitted of the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. They be set at liberty forthwith, if not required in any other case. Fine amount, if any, deposited by them, be refunded;

iv) Fees of Mr.R.D. Sanap, Advocate (appointed) for the appellant in Criminal Appeal No.105/2016 and Smt. P.R. Wankhede, Advocate (appointed) for appellants in Criminal Appeal No.265/2014 is quantified at Rs.3000/- (Rupees Three thousand) to be payable to each of them. The High Court Legal Services Sub Committee, Aurangabad to pay the same.

[V.L. ACHLIYA, J]

Kadam.