

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
CRIMINAL APPEAL NO.367 OF 2016

The State of Maharashtra

Appellant

Versus

01 Deepak s/o Manohar Thorat  
02 Manohar s/o Tukaram Thorat  
03 Sumitrabai w/o Manohar Thorat

Respondents

Mr.M.M.Nerlikar, A.P.P. for the appellant.

**CORAM : R.M.BORDE AND  
A.M.DHAHALE, JJ.  
DATE : 20<sup>th</sup> June, 2017.**

**P.C. :**

Leave to file an appeal is granted against original accused nos.1 and 2 – Respondents No.1 & 2 herein.

There is no role attributed to original accused no.3 – Respondent No.3 in the alleged crime. Leave is refused to file appeal against accused no.3 – Respondent No.3 herein.

**Appeal is admitted as against accused nos.1 and 2 – Respondents No.1 & 2 herein.**

**A.M.DHAHALE  
JUDGE**

adb/crappeal367.16

**R.M.BORDE  
JUDGE**

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
CRIMINAL APPEAL NO.865 OF 2015

Vilas s/o Tukaram Thorat

Appellant

Versus

01 The State of Maharashtra;  
02 Deepak s/o Manohar Thorat;  
03 Manohar s/o Tukaram Thorat

Respondents

Mr.B.L.Dhas, advocate for the appellant.  
Mr.M.M.Nerlikar, A.P.P. for Respondent No.1.  
Mr.Y.K.Bobade, advocate for Respondents No.2 and 3.

**CORAM : R.M.BORDE AND  
A.M.DHAVALA, JJ.  
DATE : 20<sup>th</sup> June, 2017.**

**P.C. :**

An Appeal bearing Criminal Appeal No.367/2016 filed by the State challenging acquittal of accused nos.1 and 2 for offence punishable under Section 307 read with Section 34 of the Indian Penal Code, is admitted, instant appeal presented by the complainant, is admitted to the extent of acquittal of accused nos.1 & 2 – respondents no.1 and 2 for offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

Leave is granted to the extent as specified above.

**A.M.DHAVALA  
JUDGE**

**R.M.BORDE  
JUDGE**

adb/crappeal367.16

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
CRIMINAL APPEAL NO.368 OF 2016

The State of Maharashtra

Appellant

Versus

01 Deepak s/o Manohar Thorat  
02 Manohar s/o Tukaram Thorat  
03 Sumitrabai w/o Manohar Thorat

Respondents

Mr.M.M.Nerlikar, A.P.P. for the appellant.

**CORAM : R.M.BORDE AND  
A.M.DHAVALA, JJ.  
DATE : 20<sup>th</sup> June, 2017.**

**P.C. :**

Since an appeal bearing Criminal Appeal No.367 of 2016, presented by the State, raising objection to the acquittal of accused for offence punishable under Section 307 read with Section 34 of the Indian Penal Code is admitted as against original accused nos.1 and 2 – Respondents No.1 and 2 herein, instant appeal presented by the State, seeking enhancement in the sentence in respect of offence punishable under Section 326 read with Section 34 of I.P.C. does not deserve to be considered.

Considering nature of the injuries, sentence imposed is appropriate and need not be interfered. Leave is refused to file an appeal.

Appeal is dismissed.

**A.M.DHAVALA  
JUDGE**

**R.M.BORDE  
JUDGE**

adb/crappeal367.16