

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 358 OF 1999

The State of Maharashtra

..APPELLANT

VERSUS

Kondiba S/o Gunda Aswale
and others

..RESPONDENTS

WITH

CRIMINAL APPEAL NO. 337 OF 1999

Kondiba S/o gunda Aswale
and others.

..APPELLANTS

VERSUS

The State of Maharashtra

..RESPONDENT

...

Mrs. P.V. Diggikar, APP for State.

Mr. U.B. Deshmukh, Advocate for appellant
no.3 and holding for Mr. V.D. Salunke for
appellants in Appeal No.337 of 1999.

Mr. U.B. Deshmukh, Advocate holding for Mr.
S.J. Salunke, Advocate for Respondent Nos.2
to 13 in Appeal No.358 of 1999

Respondent No.1 – abated in Appeal No. 358 of
1999.

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CORAM: S.S.SHINDE &

S.M. GAVHANE, JJ.

DATE : 10.10.2017

PER COURT :

Pursuant to the directions issued by

this Court contained in para 11 of the judgment pronounced on 23rd June, 2017, the District Probation Officer, Dist. Nanded had made inquiries of the appellants/accused Nos. 4, 6, 7 and 9 and to that effect, he has forwarded the separate reports of each accused.

2. In the said report, in respect of accused no.4 - Pundlik Kondiba Aswale under Caption "Vaidh Purvavruta", it is mentioned that, apart from the offence in which the appellant-accused is convicted in the present case, other offences i.e. (i) crime No.87/1993, (ii) crime no.97/1993, (iii) crime no.77/1995 and (iv) crime no. 6/2001 were registered at Markhel Police Station.

3. In the said report, in respect of accused no.6 - Shivaji Bhimrao Patil under Caption "Vaidh Purvavruta", it is mentioned

that, apart from the offence in which the appellant-accused is convicted in the present case, other offence i.e. crime No.03/2001 was registered at Markhel Police Station.

4. In the said report, in respect of accused no.7 - Tanaji Ramchandra Patil under Caption "Vaidh Purvavruta", it is mentioned that, apart from the offence in which the appellant-accused is convicted in the present case, other offences i.e. (i) crime No.87/1993, (ii) crime no.63/1994, (iii) crime no.19/2000, (iv) crime no.20/2001 and (v) crime no. 03/2001 were registered at Markhel Police Station.

5. In the said report, in respect of accused no.9 - Vijay Ramchandra Patil under Caption "Vaidh Purvavruta", it is mentioned that, apart from the offence in which the appellant-accused is convicted in the present

case, other offences i.e. (i) crime No.87/1993, (ii) crime no.19/2000 and (iii) crime no.20/2001 were registered at Markhel Police Station.

6. However, there are no details about the nature of aforesaid offences i.e. whether offences are against the person or property and whether accused was/were convicted or otherwise.

7. In that view of the matter, we further issue directions to the District Probation Officer, Nanded to collect the information as aforestated and send details in respect of the aforementioned offences about nature of offences i.e. against person or property and under which provisions those offences were registered and whether those offences were tried or otherwise.

8. We direct the District Probation Officer, Nanded to send such information within six weeks from today.

9. Stand over to 20th December, 2017.

[S.M.GAVHANE]
JUDGE

[S.S.SHINDE]
JUDGE

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