

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

CRIMINAL APPEAL NO. 27 OF 2002

The State of Maharashtra
through Police Station, Hadgaon,
Taluka Hadgaon, Dist. Nanded

..Appellant

Versus

1. Vijay s/o Kantrao Ramthirthkar,
Age 21 years, Occu. Education,
R/o Ward No.14, Hadgaon,
Taluka Hadgaon, District Nanded

2. Sambhaji s/o Devji Chanchalwad,
Age 27 years, Occu. Service,
R/o Ramnagar, Kinwat,
Taluka Kinwat, District Nanded

..Respondents

Mr S.D. Ghayal, A.P.P. for appellant
Mrs A.N. Ansari, Advocate for respondent no.1
Mr A.R. Nikam, Advocate for respondent no.2

**CORAM : T.V. NALAWADE AND
A.M. DHAVAL, JJ**

DATE : 18.12.2017

PER COURT

1. Heard accused no.1 Vijay and his learned Advocate Mrs Ansari on the point of sentence.

2. It is submitted that after the incident, nothing has happened and no crime is committed and family of the accused no.1 Vijay is dependent on him. Hence, leniency should be shown to him.

3. Learned A.P.P. opposes the request made for showing leniency. He submits the accused has assaulted with double edged knife and, therefore, no leniency should be shown to him.

4. After considering all the facts and the fact that the offence has

taken place long back, rigorous imprisonment for six months and fine of Rs.10,000/-, to be paid as compensation to the victim would meet the ends of justice.

5. The appeal is partly allowed. The acquittal of accused no.1 Vijay Kantrao Ramtirthkar is hereby set aside. He is held guilty for offence under Section 324 of Indian Penal Code and is sentenced to suffer rigorous imprisonment for six months and pay fine of Rs.10,000/- in default to suffer further rigorous imprisonment for six months.

6. The fine amount, if recovered be paid to the injured witness Vijay Ram Bharti, resident of Hadgaon, District Nanded.

7. The period undergone by the accused no.1 in the jail during the trial shall be set off. Muddemal be preserved till the appeal period is over.

8. Accused no.1 Vijay is taken in custody for undergoing the sentence.

(A.M. DHAVAL, J.)

(T.V.NALAWADE, J.)

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