

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

CRIMINAL APPEAL NO. 29 OF 2002

State of Maharashtra,
Through the Police Station Officer,
(R), Nanded, Dist. Nanded.

.. **Appellant**

Versus

Jalal Pasha S/o Shekh Mahemood,
Age : 29 years, Occu. Auto Rickshaw Driver,
R/o. Pangara, Tq. & Dist. Nanded.

.. **Respondent**

.....
Shri K. N. Lokhande, APP for appellant/State
Shri A. M. Gaikwad, Advocate for respondent
.....

CORAM : V. L. ACHLIYA, J.

**RESERVED ON : 11.01.2017
PRONOUNCED ON : 11.04.2017**

OPERATIVE ORDER : -

For the reasons separately recorded in the accompanying judgment the Court passed the following order.

- (I) The Criminal Appeal is partly allowed.
- (II) The Judgment & Order of the trial Court awarding the sentence is modified as under:
 - (i) The appellant-accused is held guilty of offence u/s 279 of IPC and sentenced to suffer imprisonment till rising of the court and pay fine of Rs. 25,000/-, in default of

payment of fine to undergo simple imprisonment for six months.

(ii) The appellant-accused is further held guilty of offence punishable u/s 304A of the IPC and sentenced to undergo imprisonment till rising of the Court and pay fine of Rs. 25,000/-, in default of payment of fine to suffer simple imprisonment for six months.

(III) Fine amount if recovered, same be paid to the family of the deceased as compensation.

(IV) The appellant-accused is given eight weeks' time to deposit the fine amount.

(V) Criminal Appeal stands disposed of in above terms.

[V. L. ACHLIYA]
JUDGE