

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 67 OF 2014

**MAHESH MAHADEV TARI, PRESENTLY
LODGED AS CONVICT PRISONER AT
CENTRAL JAIL, AGUADA.**

... Appellant

Versus

**STATE, THROUGH POLICE INSPECTOR,
SHRI C.L. PATIL, PONDA POLICE
STATION AND ANR.**

... Respondent

Shri Pavithran A.V, Advocate for the appellant.
Shri S. R. Rivankar, Public Prosecutor for the respondents.

Coram:- C. V. BHADANG &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 17th November 2017

OPERATIVE ORDER

- (i) The appeal is partly allowed.
- (ii) The conviction of the appellant for the offence punishable under Section 302 of IPC is modified to one under Section 304 Part I of the Indian Penal Code.
- (iii) The appellant is sentenced to imprisonment for the period already undergone and to pay a fine of Rs.25,000/- and in default to suffer simple imprisonment for three months.
- (iv) On deposit of the fine, the appellant shall be set at liberty forthwith, if not required, in connection with any other offence.
- (v) The fine if recovered, be paid as compensation to the widow of Namdeo Tari i.e. Anusaya Tari (PW 7), under Section

357 (1) of the Cr.P.C.

(vi) The order regarding disposal of the property is hereby maintained.

PRITHVIRAJ K. CHAVAN, J.
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C. V. BHADANG, J.