

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NOS. 58/2015, 64/2015 & 38/2016

CRIMINAL APPEAL NO. 58/2015
WITH

ANAND GAWAS, PRESENTLY IN CUSTODY
AT CENTRAL JAIL COLVALE. ... Appellant

Versus

STATE, THROUGH P.P. HIGH COURT OF
BOMBAY AT PANAJI, GOA. ... Respondent

CRIMINAL APPEAL NO. 64/2015
WITH

JAYANTI GAWAS, PRESENTLY LODGED IN
CUSTODY AT SADA JAIL VASCO., ... Appellant

Versus

STATE, THROUGH P.P. HIGH COURT OF
BOMBAY AT PANAJI, GOA. ... Respondent

CRIMINAL APPEAL NO. 38/2016

PRAKASH GAWAS, PRESENTLY LODGED
AT MODERN CENTRAL JAIL COLVALE ... Appellant

Versus

STATE AS REP. BY THE OFFICER IN CHARGE
BICHOLIM POLICE STATION & ANR. ... Respondents

CORAM:- C.V. BHADANG &

PRITHVIRAJ K. CHAVAN, JJ.

DATE:- 8th JANUARY, 2018.

OPERATIVE ORDER

(i) Criminal Appeal Nos. 58/2015 and 64/2015, are hereby allowed.

(ii) The conviction and the consequent sentence awarded to the Appellant-Anand Gawas (accused no. 2) and the Appellant-Jayanti Gawas (accused no. 4), is hereby set aside.

(iii) The conviction and sentence awarded to the original accused no. 3 (Anandi Gawas), is also set aside.

(iv) The Appellant-Anand Gawas (accused no. 2), the original accused no. 3 (Anandi Gawas) and the Appellant-Jayanti Gawas (accused no. 4), are acquitted of the offences punishable under Section 302, 304B and 498A of IPC.

(v) Bail Bonds of the Appellant-Anand Gawas stand cancelled. Fine if paid, be refunded.

(vi) Original accused no. 3 (Anandi Gawas) and the Appellant-Jayanti Gawas (accused no. 4) be set at liberty forthwith, if not required in connection with any other offence.

(vii) Criminal Appeal No. 38/2016 is partly allowed.

(viii) The conviction of the Appellant-Prakash Gawas (accused no. 1) for the offences punishable under Section 302 and 304B of IPC, is hereby set aside.

(ix) The Appellant-Prakash Gawas (accused no. 1), is hereby acquitted of the offences punishable under Section 302 and 304B of IPC.

(x) The conviction and sentence awarded to the Appellant-Prakash Gawas (accused no. 1) for the offence punishable under Section 498A of IPC, is hereby confirmed.

(xi) The Appellant-Prakash Gawas (accused no. 1) is in custody from 24.06.2011. In view of the fact that he has been sentenced to imprisonment for two years, he shall be set at liberty forthwith, subject to payment of fine, if not already paid and if not required in connection with any other offence.

(xii) The order as regards disposal of the property is hereby maintained.

PRITHVIRAJ K. CHAVAN, J.

C.V. BHADANG, J.