

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.312 OF 2014

**WITH
CRIMINAL APPLICATION NO.1380 OF 2017
IN
CRIMINAL APPEAL NO.312 OF 2014**

**WITH
CRIMINAL APPLICATION NO.728 OF 2018
IN
CRIMINAL APPLICATION NO.1380 OF 2017
IN
CRIMINAL APPEAL NO.312 OF 2014**

Anil Shivaji Patil Applicant

versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPLICATION NO.224 OF 2017
IN
CRIMINAL APPEAL NO.312 OF 2014**

Anil Shivaji Patil Applicant

versus

The State of Maharashtra ... Respondent

.....

- Mr.Ayaz Khan i/b. Mr.R.S. Bidkar, Advocate for the Applicant.
- Mr.J.P. Yagnik, APP for the State/Respondent.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.**
DATE : 27th JUNE, 2018.

P.C. :

1. The present Appeal challenges the Judgment and Order passed by the learned Additional Sessions Judge, Khed, dated 18/12/2013 thereby convicting the Appellant for the offence punishable under Section 326 and 341 of IPC and sentenced to suffer rigorous imprisonment for life and to pay a fine of Rs.25,000/- in default to suffer simple imprisonment for three months. Insofar as the offence punishable under Section 341 is concerned, the learned trial Judge has sentenced Appellant to suffer rigorous imprisonment for one month.
2. The learned Counsel for the the Appellant does not press Appeal insofar as conviction u/s 326 of IPC is concerned. However, the learned Counsel submits that the sentence of life which is imposed by the learned trial Judge for the offence punishable u/s 326 is totally disproportionate to the facts of the case.

3. We have perused the material placed on record. The incident appears to be an outcome of a love affair between the accused and the victim of the crime. It appears that both the Appellant and the victim were having love affair with each other for a long time. However, when the accused asked her to marry, she refused. On such refusal the accused became angry and used to threaten the victim. On the date of incident i.e. on 16/04/2010 when the victim was proceeding towards her college along with her friends Bhagyashri and Pranali, the accused came there and threw Acid on the face and shoulder of the victim. The evidence of the victim P.W.8 Dhanashree Laxman Shinde is also corroborated by her friend Pranali Ravindra Dabholkar (P.W.10).

4. In that view of the matter, we do not find that the order of conviction u/s 326 of IPC needs to be interfered. However, insofar as sentence is concerned, the learned trial Judge has imposed life sentence, which is a maximum sentence which can be imposed for an offence u/s 326 of IPC.

5. It is further to be noted that after the conviction and during the pendency of the Appeal, the matter has been amicably settled between the Appellant and the victim. Both of them have been married to each other on 22/06/2017. Not only that, after the marriage the victim is required to take a treatment from a plastic surgeon and for which the Appellant has undertaken to donate his skin. The learned APP on the last date was requested to enquire from the concerned Police Station. On enquiry he has confirmed the fact with regard to the marriage of the Appellant and the victim.

6. The Appellant has already undergone the sentence of more than 8 years. We find that the said sentence is more than sufficient taking into consideration the nature of the factual background. We find that the Appellant and the victim have decided to lead a peaceful life and have also decided to get treatment of the victim done from a plastic surgeon for which the Appellant has undertaken to donate his skin. It is just and

necessary that the Appellant and the victim be permitted to lead a peaceful life.

7. In the result the Appeal is partly allowed. The order of conviction under Section 326 of IPC is maintained. However, insofar as the sentence is concerned, the sentence is reduced to already undergone. The rest of the order regarding fine etc. is maintained.

8. The Appellant is directed to be set at liberty forthwith if not required in any other case.

9. In view of the disposal of the Appeal, no orders are necessary in the Criminal Applications. The same are disposed of as such.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)