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

**CRIMINAL APPEAL NO. 235 OF 2010
WITH
CRIMINAL APPLN. NO.1538 OF 2016.**

Deepak Ramchandra Chavan

..Appellant

Vs

The State of Maharashtra & Anr

..Respondents

Mr. Prashant Gurav for Appellant.

Mr. H.J. Dedhia, APP for State.

**CORAM : S.S. SHINDE AND
A.S.GADKARI, J.J.**

DATE : 11th October 2018.

P.C.:

1] For the reasons recorded separately, the appeal is partly allowed.

Hence the following Order:

(a) Conviction and sentence imposed upon the appellant under section 302 of the Indian Penal Code by Judgment and Order dated 2nd February 2010 by the learned 5th Ad-Hoc Additional Sessions Judge in Sessions Case No.796 of 2008 is hereby modified and the appellant is convicted under section 304-II of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for ten years.

(b) Fine amount, if deposited by the appellant in the Trial Court be forfeited.

(c) Appellant is entitled for set off under section 428 of Cr. P.C.

2] Appeal is accordingly partly allowed.

3] In view disposal of the Appeal No.235 of 2010, Criminal Application No.1538 of 2016 does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)

(S.S. SHINDE, J.)

Anil
Chandrakant
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