

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.495 OF 2018

Kaluram Balaram Patil.] Appellant

Versus

Rajendra Dharma Patil & Ors.] ... Respondents

Ms. Megha S. Bajoria h/f mr. Kuldeep S. Patil for Appellant.
Ms. Akshata Desai h/f Mr. Nitin Sejpai for Respondent Nos.1 & 2.
Mr. V. V. Gangurde, APP for State - Respondent No.3.

CORAM :- B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE :- 14 AUGUST, 2018

P. C. :-

1. This is an Appeal filed by the original complainant seeking enhancement of sentence and also challenging the findings of the learned trial Judge of not convicting the accused for the offence punishable under Section 302 of the IPC, but for Section 304 (Part-II) of the IPC.

2. The injuries sustained by the deceased are stated in the evidence of PW 1 Dr. Akhilesh Dubey. It has come in his evidence that

the injuries were not on the vital part of the deceased. The evidence of the medical expert shows that, had the deceased been given proper medical treatment, he could have survived. As such, case of Section 302 of the IPC is not made out.

3. For the offence under Section 304 (Part-II) of the IPC, sentence of five years has been granted. Reasons for the same are also recorded in paragraphs 31 and 32 of the Judgment. No perversity is noticed to warrant interference. The Appeal is dismissed.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)