

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CRIMINAL WRIT PETITION NO.649 OF 2019

VILAS @ BALASO BAPUSO PATIL (C-196)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Ms. Sharada P. Chate

APP for Respondent No.1: Mr. B.V. Virdhe.

CORAM :T.V. NALAWADE AND
K.K. SONAWANE ,JJ.

DATE : 14th JUNE, 2019.

PER COURT :-

The petition is filed for quashing and setting aside the order dated 30.12.2016 passed by the learned Sessions Judge, Sangli, by which the learned Sessions Judge has directed the petitioner to pay compensation of Rs. 1,00,000/- to the widow and children of the deceased. The petitioner is convicted and sentenced for the offence punishable under Section 302 of IPC. He is made laibel to pay compensation fo Rs. 1 Lakh to the widow and children of the deceased , in default, to further undergo R.I. for 2 years.

The learned counsel for the petitioner submits that this decision was challenged by filing an appeal before the High Court. The

High Court dismissed the said appeal. No further proceeding was taken, like filing any proceeding before the Supreme Court and so the decision of the Sessions Court dated 30.12.2016 has become final. The learned counsel for the petitioner relied on some of the observations made in the matter of Mangilal Vs. State of Madhya Pradesh, reported in 2004 AIR (SC) 1280.

This court has carefully gone through the facts of the reported case. Facts show that in that it was the High Court which had directed the accused to pay compensation and that was first order of compensation which was made without giving an opportunity of hearing to the accused persons in that case. In view of those circumstances, the Apex Court had remanded the matter and thus further orders were made.

In the present matter, the substantive relief in the appeal itself is dismissed and so, this court cannot change the decision given by it in view of the provisions of section 362 of the Cr.P.C. The petition stands dismissed.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE