

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

CRIMINAL APPEAL NO.1037 OF 2011

Shamrao Chanbsu Bagali	]	
Age - 52 years,	]	
Occupation : Cycle shop,	]	
R/at. Tikondi, District - Sangli.	]	.. Appellant

Vs.

1) State of Maharashtra &	]	
2) Smt.B.M. Waghmare,	]	
Aged - 62 years,	]	
R/at. Tikondi, District-Sangli.]		.. Respondents

.....
Advocate for the Applicant/Petitioner.
APP for the Respondent-State.
.....

**CORAM : B. P. DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.**

DATE : MARCH 29, 2019.

P.C.:

For the reasons separately recorded, the judgment and order dated 30th July, 2011, passed by Sessions Judge, Sangli in Sessions Case No.179 of 2010, convicting appellant of offence punishable under Section 302 of Indian Penal Code, is quashed and set aside.

2 Appellant-accused is given benefit of doubt and is acquitted of the said offence.

3 Appellant shall be set at liberty immediately, if his custody is not required by State in any other matter.

4 Muddemal property be dealt with as directed by trial Court after Appeal period is over.

5 Criminal Appeal is allowed accordingly.

(PRAKASH D. NAIK, J.) (B.P. DHARMADHIKARI, J.)