

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 20 OF 2003

State of Maharashtra

..Appellant

Versus

1. Baban Bhaskar Patil & Ors.

.. Respondents

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

Mr. S. R. Pasbola for Respondent Nos.2 to 8.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

OCTOBER 03, 2019.

P.C.

1. Convicting A-3, A-4, A-5, A-11 and A-12 for offences punishable under Sections 148/149 IPC vide Judgment dated 20th September, 2019, we have heard learned Counsel for the said Accused as well as the State on the issue of sentence.

2. On 30th September, 2019, we had recorded that the five said Accused who have been convicted, as stated by their Counsel, had undergone sentence of 11, 9, 14, 6 and 26 months respectively. The correct position would be that the said Accused have undergone a sentence of 11, 10 ½, 14, 7 and 14 months respectively.

3. The date of the unfortunate incident is 31st December, 1997. 22 years have gone by. Whereas on the date of the crime A-4 and A-11 were less than 21 years of age, other Accused were around 30 years of age.

4. Considering the age of the convicted Accused, the role they played in the commission of the offence, the time gap of 22 years, we are of the opinion that ends of justice would be met by imposing the sentence upon the said five Accused by directing that they shall be sentenced to undergo imprisonment for the period they have already undergone and additionally each would pay fine in sum of ₹ 25,000/-, in default of payment of fine each would undergo R.I. for a period of one year. The fine, if deposited, would be paid to the wife of the victim. The fine would be deposited within four weeks from today in the trial court.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE