

uVat

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

CRIMINAL APPEAL No. 439 OF 1997

Suresh Trambak Salve and Anr. ...Appellants

Versus

State of Maharashtra ...Respondent

Ms. Vrishali Raje i/b. Mr. Pramod N. Joshi for Appellants
Ms. Pallavi Dabholkar -APP

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : MARCH 14, 2019

PC:

1. For the reasons recorded separately, appeal is allowed and disposed of accordingly. The following operative order reads as under:

ORDER:

- (i) Appeal is partly allowed and stands disposed of.
- (ii) The conviction of the Appellants for the offence punishable under Sections 323, 326 and 452 r/w. 34 of the Indian Penal Code passed by the 2nd Additional Sessions Judge, Malegaon dated 2.8.1997 in Sessions Case No. 22 of 1992 is hereby quashed and set aside.
- (iii) The Appeal stands abated as against Appellant No.2 – Dnyaneshwar Trambak Salve.

(iii) The Appellants are convicted for the offence punishable under Section 324 of the Indian Penal Code. The punishment contemplated for section 324 of IPC is as follows:

(i) Imprisonment for three years or fine or both.

The Appellants are sentenced to the period already undergone and a fine of Rs.50,000/-, to be deposited in the Sessions Court, Malegaon.

(ii) The fine amount be deposited in Sessions Court, Malegaon within six weeks from today.

(iii) The Learned Sessions Court shall issue notice to PW-3 Sunanda Rajaram Salave, residing at At Post Dosh-Shirvale, Taluka Sakri, Dist. Dhule, to receive the amount of Rs.50,000/- towards compensation.

(iv) Upon failure, the Learned Sessions Judge shall issue non-bailable warrant to Appellant No.1 accused and take him into custody.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam