

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 410 OF 2017**

Paul Joseph Shirole. ..Appellant.

v/s.

The State of Maharashtra & Anr. ..Respondent.

WITH

CRIMINAL APPEAL NO. 399 OF 2017

1) Suman Genu Randive.

2) Ujwala Sitaram Nagrik. ..Appellants.

v/s.

The State of Maharashtra. ..Respondent.

Ms. Devyani Kulkarni, advocate for appellant in Cri. Appeal No. 410 of 2017.

Mr. Aniket U. Nikam a/w. Mr. Piyush Toshnival a/w. Mr. Nihal Mansuri i/b. Mr. Aashish Satpute, advocate for appellant in Cr. Appeal No. 399 of 2017.

Mr. S.R. Agarkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 28, 2019.

P. C. :

1 Heard the learned Counsel for the appellants and the learned APP for State.

2 For the reasons to be recorded, following order is

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passed :

(i) Criminal Appeal No. 410 of 2017 is allowed. The conviction of the Appellant-Paul Joseph Shirole for the offence punishable under sections 376 and 504 of the Indian Penal Code passed by the District Judge-7 & Addl. Sessions Judge, Nashik vide Judgment and Order dated 13/4/2017 in Sessions Case No. 139 of 2014 is hereby quashed and set aside.

(ii) The appellant Paul Joseph Shirole be released forthwith, if not required in any other offence.

(iii) The amount of fine, if paid, be refunded.

(iv) Criminal Appeal No. 399 of 2017 is dismissed. The conviction of the appellants i.e. Suman Genu Randive and Ujwala Sitaram Nagrik for the offence punishable under section 374 of the Indian Penal Code, passed by the District Judge-7 & Addl. Sessions Judge, Nashik vide Judgment and Order dated 13/4/2017 in Sessions Case No. 139 of 2014 is hereby upheld and conviction and sentence is maintained. Sentence of fine is also maintained.

(v) The appellant Suman Genu Randive in Criminal Appeal No. 399 of 2017 shall surrender before the Sessions Court at

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Nashik on or before 10/9/2019. Upon failure, the prosecution is at liberty to seek non-bailable warrant from the Sessions Court at Nashik. She shall serve her remaining sentence. Her bail bond stands cancelled.

(vii) The appellant Ujwala Sitaram Nagrik in Criminal Appeal No. 399 of 2017 has undergone the sentence of 8 months as an under-trial. Her bail bond stands cancelled. She be set at liberty, if fine amount is paid.

(viii) Writ be issued forthwith.

3 Both the Appeals are disposed of accordingly.

The parties to act on the authenticated copy of this order.

[SMT. SADHANA S. JADHAV, J.]