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

CRIMINAL APPEAL NO. 483 OF 2010

1]Deepak Maruti Ghatе

2]Krishna Maruti Ghatе

..Appellants

(Original Accused Nos.1 and 3)

Vs

State of Maharashtra

(Through Neral Police Station)

..Respondent

WITH

CRIMINAL APPEAL NO. 482 OF 2010

1]Dilip Mahadu Ghatе

2]Ravi Dehu Shinare

..Appellants

(Original Accused Nos.5 and 7)

Vs

State of Maharashtra

(Through Neral Police Station)

..Respondent

WITH

CRIMINAL APPEAL NO. 818 OF 2010

The State of Maharashtra

..Appellant.

Vs.

1]Manohar Vasant Tare

2]Rajan Mahadu Ghatе

3]Dilip Mahadu Ghatе

4]Maruti Pandurang Ghatе

5]Ravi Dehu Shinare

6]Sandeep Janu Rane.

..Respondents

(Original Accused Nos.2 and 4 to 8)

Mr. Srikant Shivade a/w Shri M.S. Mohite, Mr. Ashish Sawant, Mr. Shantanu Phanse, Mr. Vivek Babar, and Mr. Viral Babar for Appellants in Appeal Nos.483 and 482 of 2010 and for the respondent Nos.1 to 6 in Appeal No.818 of 2010.

Ms. P.P. Shinde, APP for the Appellant in Appeal No.818 of 2010 and for the Respondent-State in Appeal Nos.483 and 482 of 2010.

**CORAM : A.S. OKA &
A.S.GADKARI, J.J.**

DATE : 14th February 2019.

P.C.:

1] For the reasons dictated in open Court today, we dispose of these Appeals by the passing following Order:-

- (a) Criminal Appeal Nos.483 and 482 of 2010 are partly allowed;
- (b) The conviction of the accused Nos.1 and 3 Deepak Maruti Ghate and Krishna Maruti Ghate respectively for the offence punishable under Section 302 of Indian Penal Code under the Judgment and Order dated 7th May 2010 passed by the learned Additional Sessions Judge-1, Raigad at Alibag in Sessions Case No.150 of 2007 is hereby set aside and both the accused are convicted for the offence punishable under the second part of Section 304 of the Indian Penal Code. They are sentenced to suffer

rigorous imprisonment for 10 years and to pay a fine of Rs.1000/- each. In default of payment of fine, they shall further undergo rigorous imprisonment for one year;

(c) The conviction of the accused Nos.5 and 7 namely Dilip Mahadu Ghate and Ravi Dehu Shinare respectively for the offence punishable under Section 326 of the Indian Penal Code under the impugned Judgment and Order dated 7th May 2010 passed by the learned Additional Sessions Judge in Sessions Case No.150 of 2007 is hereby set aside and they are convicted for the offence punishable under section 325 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years each. In default of payment of fine, they shall further undergo rigorous imprisonment for six months;

(d) Order granting set off to the convicted accused for the period they have undergone sentence is confirmed;

(e) Criminal Appeal No.818 of 2010 is hereby dismissed;

(f) All the concerned to act on an authenticated copy of the Operative part of the Order in this Judgment.

(A.S.GADKARI, J.)

(A.S. OKA, J.)