

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

**CRIMINAL APPEAL NO.871 OF 2013**

Mohammad Javed @ Zahid Babbuddin Qureshi .. Appellant

**Vs.**

State of Maharashtra

.. Respondent

.....

Mr.Khan Abdul Wahab a/w. Mr.Gaurav Bhawnani and Mr.Abdul Kareem, Advocate for the Appellant.

Mrs.M.H. Mhatre, APP for the Respondent-State.

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

**DATE : APRIL 25, 2019.**

**P.C.:**

For reasons separately recorded, the judgment and order dated 6<sup>th</sup> November, 2012, delivered by the Additional Sessions Judge, Pune in Sessions Case No.550 of 2010, is modified and the Appellant is convicted for the offence punishable under Section 304(Part-II) of Indian Penal Code.

2           With the reason his conviction and sentence imposed upon him for offence under Section 302 of IPC is set aside.

3           The period already spent in jail by him is substituted as punishment for offence punishable under Section 304(Part - II) of IPC.

4           He shall be set at liberty immediately if his custody is not required by State in any other matter.

5           The muddemal property be dealt with, as directed by trial Court, after Appeal period is over.

6           Criminal Appeal stands disposed of accordingly.

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