

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

CRIMINAL APPEAL NO. 959 OF 2014

Tulshiram @ Anil Laxman Paithankar. ..Appellant.

V/s.

The State of Maharashtra. ..Respondent.

WITH

CRIMINAL APPEAL NO. 958 OF 2014

1. Kailash Laxman Paithankar.

2. Sharad Laxman Paithankar. ..Appellants.

V/s.

The State of Maharashtra. ..Respondent.

Mr. Niteen Pradhan a/w. Ms. ShubhadaD. Khot a/w. Mr. Maheen Pradhan,
advocate for appellants.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JANUARY 17, 2019.

P. C. :

1 For the reasons to be recorded separately, following order is
passed :

ORDER

(i) The both the appeals are partly allowed.

(ii) The conviction imposed upon the appellant Tulshiram @ Anil Laxman Paithankar for the offence punishable under section 304 II of the Indian Penal Code by the Additional Sessions Judge, Niphad vide Judgment and Order passed in Sessions Case No. 34 of 2011 is upheld.

Talwalkar

- (iii) The appellant- Tulshiram @ Anil Laxman Paithankar has been in custody during the period from 10/4/2011 to 6/9/2011 and from 29/11/2014 till today. He has undergone 4 years and 11 months of actual sentence. He has earned remission to the extent of 5 months. Hence, the appellant is sentenced to the period already undergone.
- (iv) The fine amount is deposited. Sentence of fine is upheld. The appellant-Tulshiram @ Anil Laxman Paithankar be released forthwith if not required in any other case.
- (v) The conviction imposed upon the appellants- Kailas Laxman Paithankar and Sharad Laxman Paithankar for the offence punishable under section 324 of the Indian Penal Code as per clause 2 and 3 of the Judgment and Order dated 29/11/2014 passed in Sessions Case No. 34 of 2011 by the Additional Sessions Judge, Niphad is upheld.
- (vi) The appellants are sentenced to the period already undergone. However, the fine is enhanced to Rs. 5000/- each. The remainder fine shall be deposited before the Session Court, Nashik.
- (vii) Both appeals are disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]