

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 19 OF 2013

1. Laxman Govind Shingda,
Age 68 years, Occ. Agriculture.
2. Prakash Laxman Shingda,
Age 36 years, Occ. Agriculture,
3. Krushna Shivram Shingda,
Age 32 years, Occ. Agriculture,
4. Shivram Govind Shingda,
Age 58 years, Occ. Agriculture

All residing at Gonde Budruk, Vakicha Pada,
Taluka Mokhaha, Dist. Thane.

... Appellants/
[Orig. accused Nos. 1 to 4]

Versus

The State of Maharashtra

... Respondent

Mr. Prosper D'Souza for the appellants.

Mr. H.J. Dedhia, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
SMT.SWAPNA JOSHI, JJ.**
DATE : JUNE 27, 2019

For the reasons separately recorded, the Court has passed
the following order :

(a) The judgment and order dated 11/5/2012 delivered by Extra
Joint Ad Hoc Additional Sessions Judge, Thane in Sessions Case
No. 412 of 2008 is modified.

(b) The appellants i.e. original accused no. 1- Laxman Govind Shingda, accused no. 2-Prakash Laxman Shingda and accused no. 4- Shivram Govind Shingda are acquitted of the offence under section 302 IPC.

(c) They be set free if their custody is not required by the State in any other matter.

(d) The conviction of accused no.3- Krushna Shivram Shingda under section 302 IPC is altered to one under section 304 (Part II) IPC and he is sentenced to suffer rigorous imprisonment for ten years.

(e) Accused no.3-Krushna Shivram Shingda is in custody since 29/6/2008 and therefore, he has already undergone the punishment as imposed. Hence, he also be set free if his custody is not required by the State in any other matter.

(f) Muddemal property be dealt with as directed by the trial court after appeal period is over.

(g) Criminal Appeal is accordingly partly allowed and disposed of.

(SMT.SWAPNA JOSHI, J.)

(B.P. DHARMADHIKARI, J.)