

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 346 OF 2021

Tanaji Vithal Bhosle

..APPELLANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. M.P. Bhaskar, Advocate for appellant

Mr. S.P. Sonpawale, A.P.P. for respondent - State

Mr. P.K. Ippar, Advocate h/f Mr. R.B. Wankhede, Advocate for intervenor

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CORAM : R.G. AVACHAT, J.

DATED : 14th MARCH, 2022

PER COURT :

1. Heard.

2. The appellant herein has been convicted for the offences punishable under Sections 307, 323 and 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years, one year and seven years respectively and to pay fine of Rs.15,000/-, Rs.1,000/- and Rs.5,000/- respectively, in default, to suffer rigorous imprisonment for two months, one month and two months respectively. The sentences have been directed to run concurrently. As such, the maximum sentence the appellant is supposed to undergo is of ten years rigorous imprisonment.

3. The appellant had opened fire towards his mother-in-law. Fortunately, she has not been hurt. The mother-in-law has now come

forward with an affidavit asking for lenient view to be taken.

4. The appellant has been behind the bars since 06th June, 2015 i.e. for little over six years and nine months. In view of this Court, the sentence of imprisonment of ten years, in the facts and circumstances of the case, appears to be disproportionate. In view of the same, maintaining conviction of the appellant, the sentences of imprisonment of ten years and seven years for the offences punishable under Sections 307 and 506 of the Indian Penal Code respectively are reduced to the period already undergone.

5. In view of above, criminal appeal is partly allowed. The quantum of sentence of imprisonment of ten years and seven years for the offences punishable under Sections 307 and 506 of the Indian Penal Code respectively is reduced to the period of sentence already undergone i.e. the period of six years, nine months and eight days. The order of conviction and resultant sentence for the offence punishable under Section 323 of the Indian Penal Code is maintained. The order directing all the substantial sentences to run concurrently stands unaltered. Rest of the terms of the impugned order of conviction and sentences are withdrawn. The appellant be released forthwith, if not required in any other case.

(R.G. AVACHAT, J.)

SSD