

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 862 OF 2018
WITH
CRIMINAL APPLICATION NO. 191 OF 2019

Mayur Vilas Pachfule

Appellant

.. (Org. Accused No. 2)

Versus

The State of Maharashtra

.. Respondent

WITH
CRIMINAL APPEAL NO. 687 OF 2018

Avinash Manohar Pastapure

Appellant

.. (Org. Accused No. 3)

Versus

The State of Maharashtra

.. Respondent

WITH
CRIMINAL APPEAL NO. 863 OF 2018

Akshay Laxman Pachfule

Appellant

.. (Org. Accused No. 1)

Versus

The State of Maharashtra

.. Respondent

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- Mr. Satyavrat Joshi i/by Mr. Nitesh Mohite for the Appellant / Applicant in Cri. Appeal No. 862/2018
 - Mr. M.V. Thorat a/w Mr. V.M. Thorat for the Appellant in Cri. Appeal No. 687/2018
 - Mr. Daulat Khamkar for the Appellant in Cri. Appeal No. 863/2018
 - Mr. Ritesh Thobde a/w Mr. Sagar Tambe for Respondent No. 3 in Cri. Appeal No. 862/2018
 - Ms. M.M. Deshmukh, APP for the State
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**CORAM : SMT SADHANA S. JADHAV &
MILIND N. JADHAV, JJ.**

DATE : APRIL 21, 2022

P.C.:

For the reasons recorded separately, the following operative order is passed:-

- (i) Appeals are partly allowed;
- (ii) All the Appellants i.e. accused No. 1 - Akshay Laxman Pachfule, accused No. 2 - Mayur Vilas Pachfule and accused No. 3 - Avinash Manohar Pastapure are acquitted of the offence punishable under Section 302 read with 34 of the Indian Penal Code (**IPC**);
- (iii) Accused No. 1 - Akshay Laxman Pachfule and accused No. 2 Mahur Vilas Pachfule are convicted for the offence punishable under Section 326 of the IPC and are sentenced to the period already undergone;
- (iv) Accused No. 3 - Avinash Manohar Pastapure is convicted for the offence punishable under Section 323 of the IPC and is sentenced to suffer RI for one year imprisonment which he had already undergone and to pay fine of Rs. 50,000/- to be paid to the children of the deceased. Accused No. 3 has been granted bail on 08.08.2018. He has already undergone the said sentence. His bail bonds shall stand cancelled;
- (v) Appellants i.e. accused No. 1 - Akshay Laxman Pachfule, accused No. 2 - Mayur Vilas Pachfule have

undergone almost six years and four months in custody.

They be released forthwith if not required in any other offence;

- (vi) It is submitted that accused No. 1 - Akshay Laxman Pachfule, accused No. 2 - Mayur Vilas Pachfule are on COVID parole at present. They shall surrender to Yerawada Central Prison, Pune. The Superintendent of Yerawada Central Prison, Pune shall obtain their signatures and complete the formalities and release them forthwith if not required in any other offence;
- (vii) The compensation which was awarded to the mother of the deceased will be paid to the children of the deceased as the mother has expired on 07.04.2020.

[MILIND N. JADHAV, J.]

[SMT. SADHANA S. JADHAV, J.]