

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CRIMINAL APPEAL NO.216 OF 2015

Ravindra Rakhmaji Aaware
Age : 21 Years, Occ: Education,
R/o. Dhondalgaon,
Tq. Vaijapur, District Aurangabad.

... Appellant
(Orig. Accused no.1)

Versus

The State of Maharashtra
(At the instance of Vaijapur Police
Station, Aurangabad.

... Respondent

WITH
CRIMINAL APEAL NO. 11 OF 2015
WITH
CRIMINAL APPEAL NO. 12 OF 2015
WITH
CRIMINAL APPLICATION NO. 2182 OF 2021
IN
CRIMINAL APPEAL NO. 216 OF 2015
WITH
CRIMINAL APPEAL NO. 718 OF 2018
WITH
CRIMINAL APPEAL NO. 719 OF 2018

RAVINDRA RAKHMAJI AAWARE
VERSUS
THE STATE OF MAHARASHTRA

.....

Mr. R. N. Dhorde, Senior Advocate i/by Mr. V. R. Dhorde, Advocate
for the appellant in Appeal/216/2015 and Application 2182/2021

Mr. A. K. Bhosale, Advocate for the Appellant in Appeal/11/2015 and
Appeal/12/2015

Mr. Joydeep Chatterji, Advocate for the Appellant in
Appeal/718/2018 and Appeal/719/2018

Mrs. V. S. Choudhary, APP for the Respondent-State in all Appeals

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 10 JANUARY 2023

OPERATIVE ORDER :-

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

- I. All the criminal appeals and the application are hereby allowed.
- II. The conviction of the appellants i.e. accused no.1 Ravindra Rakhmaji Aaware (appellant in Criminal Appeal No. 216 of 2015 and applicant in Criminal Application No. 2182 of 2021), accused no.2 Balu s/o Vishwanath Damale (appellant in Criminal Appeal No. 12 of 2015), accused no. 3 Sachin Daulat Choudhari (appellant in Criminal Appeal No. 718 of 2018) and accused no. 4 Dattu @ Dattatraya Janardhan Aware (appellant in Criminal Appeal No. 719 of 2018 and appellant no.1 in Criminal Appeal No. 11 of 2015) for the offence punishable under Sections 302 r/w 149 of IPC, 143, 147, 148 r/w 149 of IPC and conviction of accused no. 1 Ravindra Rakhmaji Aaware for the offence punishable under Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by Additional Sessions Judge, Vaijapur on 03.01.2015 **stands set aside.**

III. Accused no.1 Ravindra Rakhmaji Aaware, accused no.2 Balu s/o Vishwanath Damale and accused no. 3 Sachin Daulat Choudhari be set at liberty if not required in any other case.

IV. The bail bonds of original accused no.4 Dattu @ Dattatraya Janardhan Aware stands cancelled.

V. The case stands abated against original accused no.6 Ganesh Karbhari Sathe (appellant no.2 in Criminal Appeal No. 11 of 2015) as he expired during pendency of the appeal.

VI. Fine amount paid, if any, be refunded to the respective accused persons after the statutory period.

VII. It is clarified that there is no change in the order regarding the disposal of Muddemal passed by the learned Additional Sessions Judge.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]