

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CRIMINAL APPEAL NO. 693 OF 2016
WITH APPLN/1425/2019 IN APEAL/693/2016

Suraj Vitthal Ghotekar,
Age 22 yrs., Occ. Nil,
R/o Golden City, Sangamner,
Tq. Sangamner, Dist. Ahmednagar.

... Appellant
[Orig. Accused]

Versus

The State of Maharashtra

... Respondent

.....
Advocate for Appellant : Mr. D. R. Jethliya h/f Mr. Kisan Chaudhari
and Ms. Anuradha R. Joshi
APP for Respondent-State : Mr. S. J. Salgare
.....

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

DATED : 18 AUGUST 2023

OPERATIVE ORDER :

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

ORDER

- I. The appeal stands allowed.
- II. The conviction awarded to the appellant Suraj Vitthal Ghotekar in Sessions Case No. 60 of 2015 by learned Additional Sessions Judge, Samgamner on 25.10.2016,

for the offence punishable under Section 302 of the Indian Penal Code, stands quashed and set aside.

III. The appellant stands acquitted of the offence punishable under Section 302 of the Indian Penal Code.

IV. The appellant be set at liberty, if not required in any other case.

V. The fine amount deposited, if any, be refunded to the appellant after the statutory period.

VI. We clarify that there is no change in the order passed by learned Additional Sessions Judge, Samgamner regarding disposal of *muddemal*.

VII. Criminal Application No. 1425 of 2019 stands disposed off.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]