

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

913 CRIMINAL APPEAL NO.579 OF 2019

Balasaheb S/o Babasaheb Bhagat
Age-25 years, Occu – Agril,
R/o Bhagat Vasti, Devgaon,
Tq. Newasa, Dist. Ahmednagar

..APPELLANT
(Orig. Accused No.1)

-VERSUS-

The State of Maharashtra
Through Police Inspector
Sonai Police Station, Tq. Newasa,
Dist. Ahmednagar

..RESPONDENT

WITH
CRIMINAL APPEAL NO. 611 OF 2019

Bhanudas S/o Ganpat Dhedge @ Bhagat
Age : 70 years, Occ : Agri.,
R/o Bhagat Wasti, Devgaon,
Tq. Newasa, Dist. Ahmednagar

..APPELLANT
(Ori. Complainant)

-VERSUS-

1. The State of Maharashtra
Through Police Inspector,
Sonaee Police Station,
Ta. Newasa, Dist. Ahmednagar.
2. Sangita Shankar Dhedge @ Bhagat
Age : 29 years, Occ : Agri.,
R/o Bhagat Vasti, Deogaon,
Ta. Newasa, Dist. Ahmednagar
Now at present :
C/o Bhaurao Ashok Waje
At post. Vambori, Tq. Rahuri,
Dist. Ahmednagar.

..RESPONDENTS
(Resp. No.2 is Ori. Accused No.2)

WITH
CRIMINAL APPEAL NO. 612 OF 2019

Bhanudas S/o Ganpat Dhedge @ Bhagat
Age : 70 years, Occ : Agri.,
R/o Bhagat Wasti, Devgaon,
Tq. Newasa, Dist. Ahmednagar

..APPELLANT
(Ori. Complainant)

-VERSUS-

1. The State of Maharashtra
Through Police Inspector,
Sonaee Police Station,
Ta. Newasa, Dist. Ahmednagar.

2. Balasaheb Babasaheb Bhagat
Age : 23 years, Occ : Agril.,
R/o Bhagat Vasti, Deogaon,
Ta. Newasa, Dist. Ahmednagar

.. RESPONDENTS
(Resp. No.2 is Ori. Accused No.2)

WITH
APPLICATION FOR LEAVE TO APPEAL BY STATE NO. 183 OF 2019

The State of Maharashtra
Through :
Police Inspector,
Sanaee Police Station,
Taluka Newasa,
Dist. Ahmednagar

..APPLICANT/APPELLANT
(Ori. Complainant)

-VERSUS-

1. Balasaheb Babasaheb Bhagat
Age : 23 years, Occ : Agril.,
2. Sangita Shankar Dhedge @ Bhagat
Age : 27 years, Occ : Agri.,

Both R/o Bhagat Vasti, Deogaon,
Tq. Newasa, Dist. Ahmednagar.

..RESPONDENTS
(Orig. Accused Nos.1 & 2)

....
Mr. K.N. Shermale, Advocate for appellant in Appeal No.579/2019
Mr. V.B. Jagtap, Advocate for appellant in Appeal Nos.611/2019 and 612/2019
Mr.S.D. Ghayal, APP for respondent in Appeal Nos.579/2019, 611/2019 & 612/2019 and applicant in ALS No.183/2019.
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ**

**RESERVED ON : 13th JUNE, 2023
PRONOUNCED ON : 12th SEPTEMBER, 2023**

OPERATIVE ORDER

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

ORDER

1. Criminal Appeal No.579 of 2019 is allowed. The order of conviction and sentence dated 17.05.2019 passed by the learned Additional Sessions Judge, Newasa, Dist. Ahmednagar is quashed and set aside.
2. Appellant – accused no.1 Balasaheb S/o Babasaheb Bhagat stands acquitted.
3. Fine, if any, paid by the appellant – accused no.1 be refunded to him.
4. Since the appellant is in jail, he be released forthwith, if not required in any other case.

5. Criminal Appeal No.611 of 2019 and Criminal Appeal No.612 of 2019 preferred by the original complainant are dismissed.
6. Application for leave to Appeal by State No.183 of 2019 is dismissed.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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