

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

CRIMINAL APPEAL NO.485 OF 2018

Shaikh Rasul S/o Shaikh Amir

...APPELLANT

VERSUS

- 1) The State of Maharashtra
- 2) Mandabai W/o Vilas Nahare

...RESPONDENTS

...
Mr. R.N. Dhorde, Senior Counsel i/b. Mr. S.B. Jadhav Advocate
for Appellant.
Mr. A.M. Phule, A.P.P. for Respondent No.1.
Mr. M.D. Gitte Advocate for Respondent No.2.
...

WITH

CRIMINAL APPEAL NO.484 OF 2018

Pankaj Suresh Dabhade

...APPELLANT

VERSUS

- 1) The State of Maharashtra
- 2) Mandabai W/o Vilas Nahare

...RESPONDENTS

...
Mr. R.N. Temkar Advocate h/f. Mr. Sanket N. Suryawanshi
Advocate for Appellant.
Mr. A.M. Phule, A.P.P. for Respondent No.1.
Mr. M.D. Gitte Advocate for Respondent No.2.
...

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

DATE : 26th OCTOBER, 2023

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

OPERATIVE ORDER

(I) Both Criminal Appeals i.e. Criminal Appeal No.485 of 2018
and Criminal Appeal No.484 of 2018 stand allowed.

(II) The conviction awarded to both the appellants i.e.
appellant - Shaikh Rasul S/o Shaikh Amir and appellant - Pankaj
Suresh Dabhade in Sessions Case No.103 of 2013 by the learned
Additional Sessions Judge-1, Nanded on 5th July 2018 for the
offence punishable under Section 376(2)(g), 323, 506 read with
Section 34 of the Indian Penal Code stands quashed and set
aside.

(III) Appellant - Shaikh Rasul S/o Shaikh Amir and appellant -
Pankaj Suresh Dabhade stands acquitted of the offence

punishable under Section 376(2)(g), 323, 506 read with Section 34 of the Indian Penal Code.

(IV) We clarify that the order regarding payment of compensation awarded to the victim under Section 357(1) of the Code of Criminal Procedure also stands set aside.

(IV) Both the appellants be set at liberty, if not required in any other case.

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

(VI) The order as regards disposal of Muddemal is concerned, we propose no change in the same.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/OCT23