

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1073 CRIMINAL WRIT PETITION NO.1376 OF 2023

- 1) Ajit Dada Hingude.
- 2) Ganesh Bhausaheb Hingude.
- 3) Dada Yashwant Hingude.
- 4) Bhausaheb Yashwant Hingude.

... **Petitioners**

Versus

- 1) The State of Maharashtra.
- 2) Jalindar Konidiba Kale.

... **Respondents**

...
Mr. Dhanraj S. Ingole, Advocate for Petitioners.
Mr. A. R. Kale, APP for Respondent No.1 / State.
Ms. Shilpa Aurangabadkar, Advocate for Respondent No.2.
...

CORAM : **R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.**

DATE : 04th November, 2023.

Per Court:

. The petitioners have been convicted for the offence punishable under Sections 326, 324, 323, 504 and 506 read with 34 of the Indian Penal Code and therefore, sentenced to various terms of imprisonment. The maximum term of imprisonment, which the petitioners are supposed to undergo is of 3 years. The petitioners' appeal against conviction is pending before the Court of Sessions at Shrigonda.

2 Now the parties have arrived at a settlement. The parties hail from one and the same village and a truce has now been workout between them. The informant (injured) has come on his own and filed affidavit to allow this writ petition.

3 The learned APP has strong objection to allow the writ petition. According to him, it was a serious offence and the petitioners have suffered conviction.

4 Even post conviction, settlement can be endorsed granting the convict relief of acquittal in non serious offences. We, therefore, allow this writ petition in the following terms:-

ORDER

- I) The writ petition is allowed.
- II) The order of conviction and consequential sentence of the petitioners for the offences punishable under Sections 326, 324, 323, 504 and 506 read with 34 of the Indian Penal Code, is hereby set aside.
- III) The petitioners are acquitted of the said offences.
- IV) The amount of fine, if deposited, be paid back to them.

- V) The appeal pending before the learned Sessions Court stands disposed of.
- VI) The petitioners shall deposit a sum of Rs.75,000/- (Rupees Seventy-Five Thousand Only) with the office of Government Pleader, High Court, Aurangabad towards purchase of law books / E-Library and also for its infrastructure, on or before 10th November, 2023.
- VII) List the writ petition on 10th November, 2023 for compliance of this order.

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[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]