

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

**CRIMINAL APPEAL NO.706 OF 2015
WITH APPLN/3666/2022 IN APEAL/706/2015**

**AZIZKHAN S/O MOHAMMAD KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA**

.....

Mr. Sunil B. Jadhav, Advocate for Appellant (Appointed Through Legal Aid)
APP for Respondent State : Mrs. P. V. Diggikar

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

DATED : 20th JANUARY 2023

PER COURT :

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

OPERATIVE ORDER

- (i) Criminal Appeal stands allowed.
- (ii) The conviction awarded by the learned Additional Sessions Judge, Biloli, District Nanded on 21.01.2015 in Sessions Case No. 43 of 2011 to the appellant - Azizkhan S/o Mohammad Khan Pathan, stands set aside.
- (iii) The appellant stands acquitted of the offences punishable under sections 302 and 392 of Indian Penal Code.

(iv) The appellant be set at liberty, if not required in any other case.

(v) The fine amount paid, if any, be refunded to the accused-appellant after the statutory period.

(vi) Pending Applications, if any, stands disposed of in view of disposal of the main Appeal.

(vii) It is clarified that there is no change in the order in respect of disposal of Muddemal articles.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

Tandale/-