

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

CRIMINAL WRIT PETITION NO.1488 OF 2023

Babasaheb s/o Vitthal Sonwane & anr. ... **PETITIONERS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. R.A. Shinde, Advocate for petitioners
Mr. M.M. Nerlikar, A.P.P. for respondent No.1.
Mr. K.R. Doke, Advocate for respondent No.2.
.....

WITH

CRIMINAL WRIT PETITION NO.1495 OF 2023

Arjun s/o Domaji Sonawane & ors. ... **PETITIONERS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. K.R. Doke, Advocate for petitioners
Mr. M.M. Nerlikar, A.P.P. for respondent No.1.
Mr. R.A. Shinde, Advocate for respondent No.2.
.....

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

DATE : 20th OCTOBER, 2023

ORDER (PER SANJAY A. DESHMUKH, J.) :

Heard. The petitioners in Criminal Writ Petition No.1488/2023 have been convicted for the offences punishable under Sections 324 and 323 of the Indian Penal Code and,

therefore, sentenced to suffer maximum sentence of one year with fine. Whereas the petitioners in Criminal Writ Petition No.1495/2023 have been convicted for the offences punishable under Sections 143, 148, 326 read with Section 149 of the Indian Penal Code and, therefore, sentenced to suffer maximum sentence of one year with fine. Both these petitions have been filed for quashment of the respective conviction on the ground of settlement arrived at between the parties.

2. It was a case of counter F.I.R. The parties have now arrived at a settlement. All the victims and both the informants have filed their respective affidavits, giving express consent to set aside the convictions and acquit them from the respective offences.

3. The petitioners are from the brotherhood. Civil disputes were also there, those have also been settled. We, therefore, find this to be a fit case to allow the petitions. In view of the above, both the petitions are allowed in terms of prayer clause (A). The orders of conviction and sentence dated 24/10/2018, passed by learned Judicial Magistrate, First Class, Washi in R.C.C. No.56/2014 and R.C.C. No.57/2014 are hereby set aside, subject to deposit of costs of Rs.5000/- (Rupees five thousand) by each of the petitioners in both the petitions with this Court within two weeks from today. Bail bonds of the petitioners shall stand cancelled.

Fine amount, if paid, be refunded to them.

4. On deposit of the amount of costs, a sum of Rs.15,000/- be paid to Government Pleader's Office Library and Rs.20,000/- be paid to High Court Bar Association Library.

5. The criminal Appeals No.56/2018 and 59/2018 filed before the Sessions Judge at Bhoom shall stand disposed off in terms of this order.

6. List the matters for compliance of this order on 8th November 2023.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-