

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL APPEAL NO. 268 OF 2017

Morsing @ Pintu Sonu Pawar
Age 23 years, Occu. Labour,
R/o. Shevge Tanda, Tq. Parola,
Dist. Jalgaon.

... Appellant

Versus

1. The State of Maharashtra
2. Ranchhod s/o Ramji Pawar
Age 50 years, Occu. Labour,
R/o. Shevge Tanda, Tq. Parola,
Dist. Jalgaon.

... Respondents

WITH
CRIMINAL APPEAL NO. 623 OF 2017
WITH CRIMINAL APPLICATION NO. 6144 OF 2017
IN CRIMINAL APPEAL NO. 623 OF 2017

Motiram s/o Rohidas Pawar
Age : 27 years, Occu: Labour,
R/o : Shevge Tanda, Tq. Parola,
Dist: Jalgaon.

... Appellant

[Orig. Accused no.1]

Versus

The State of Maharashtra

... Respondent

.....

Mr. Satej S. Jadhav, Advocate for the Appellant in Criminal Appeal No. 268 of 2017.

Mr. I. G. Durrani, Advocate for the Appellant in Criminal Appeal No.623 of 2017 and Applicant in Criminal Application No. 6144 of 2017.

Mr. S. D. Ghayal, APP for Respondent State in both Appeals as well as the Application.

Mr. S. J. Salunke, Advocate for Respondent No.2 in Criminal Appeal No. 268 of 2017.

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

DATED : 07 AUGUST 2023

OPERATIVE ORDER :-

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

ORDER

- I. Both the appeals stand allowed.
- II. The conviction awarded to both the appellants, i.e. accused no.1 Motiram s/o Rohidas Pawar and accused no.2 Morsing @ Pintu Sonu Pawar by learned Additional Sessions Judge, Amalner, District Jalgaon in Sessions Case No. 16 of 2015 on 30.05.2017 after holding them guilty of committing offence punishable under Sections 363, 120-B, 302, 201 r/w 34 of the Indian Penal Code stands quashed and set aside.
- III. Both the appellants stand acquitted of the offences punishable under Sections 363, 302, 201 r/w 34 of the Indian Penal Code and Section 120-B of the Indian Penal Code.

- IV. Both of them be set at liberty, if not required in any other case.
- V. The order of directing the fine amount to be paid to PW1 Ranchhod Ramji Pawar i.e. respondent no.2 in Criminal Appeal No. 268 of 2017 under Section 357 of the Code of Criminal Procedure also stands set aside.
- VI. The respective fine amount deposited, if any, be refunded to the appellants after the statutory period.
- VII. We clarify that there is no change in the order regarding disposal of muddemal.
- VIII. Criminal Application No. 6144 of 2017 stands disposed of.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]