



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

**CRIMINAL APPEAL NO.804 OF 2019
AND
CRIMINAL APPLICATION NO.407 OF 2023**

Shankar s/o. Harishchandra Gaikwad,
Age : 24 years, Occ. Labour,
R.o. Lodga, Tq. Ausa, Dist. Latur

..Appellant

Vs.

The Stare of Maharashtra

..Respondent

Mr.Sachin Panale, Advocate for appellant
Mrs.S.N.Deshmukh, APP for respondent

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
RESERVED ON : NOVEMBER 14, 2024
PRONOUNCED ON : NOVEMBER 19, 2024**

Operative Order :-

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

(i) The appeal is allowed.

(ii) The impugned order dated 02.05.2019, passed by learned
Addl. Sessions Judge, Latur, in Sessions case No.92 of 2016, convicting
and sentencing the appellant for the offences punishable under
Sections 302 and 201 of Indian Penal Code, is set aside. He is
acquitted of the said offences.

(iii) The appellant be released forthwith, if not required in any other case.

(iv) Fine amount paid by the appellant, if any, be refunded to him.

(v) In view of the above, Criminal Application No.407 of 2023 does not survive and stands disposed of.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP