



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

CRIMINAL APPEAL NO. 48 OF 2024

1. Haribhau Annasaheb Late
(Deleted as per order dated 15/03/2024,
since he has filed separate appeal)
2. Bhavdya @ Bhausahab Gorakh Pawar
Age: 35 years, Occu.: Labour,
R/o Lamgavan, Tq. Paithan
Dist. Aurangabad
3. Badri Kashinath Shinde
Age: 48 years, Occu.: Labour,
R/o Amrapur Waghundi,
Tq. Paithan, Dist. Aurangabad
4. Narayan Sarjerao Dolas
(Abated vide order dated 08/11/2023) ..APPELLANT

VERSUS

State of Maharashtra
Through P.S.O. Police Station Bidkin,
Tq. Paithan, Dist. Aurangabad ..RESPONDENT

**WITH
CRIMINAL APPEAL NO. 311 OF 2024**

Haribhau Annasaheb Late
Age: 59 years, Occu.: Nil,
R/o Central Jail, Dist. Aurangabad ..APPELLANT

VERSUS

1. State of Maharashtra
2. Nanasaheb Laghane
Age: 55 years, Occu.: Agri.,
R/o c/o Police Station, Bidkin,
Tq. Paithan, Dist. Aurangabad ..RESPONDENTS

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Mr. N.S. Kadarle, Advocate for appellants in APEAL/48/2024
Mr. M.M. Parghane, Advocate for appellant in APEAL/311/2024
Mrs. S.N. Deshmukh, A.P.P. for respondent - State
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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : 01st JULY, 2024**

OPERATIVE ORDER :

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

ORDER

- (I) Impugned judgment and order dated 06th July, 2017 passed by Additional Sessions Judge, Aurangabad in Sessions Case No. 31 of 2013 is set aside to the extent of Appellant No.3 - Badri Kashinath Shinde whereby he was convicted for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. He stands acquitted thereof. Fine amount paid for the said offence, if any, be refunded to him.
- (II) Conviction and consequential sentence of Appellant No.3 - Badri Kashinath Shinde, vide the impugned judgment and order for the offence punishable under Section 323 read with Section 34 of the Indian Penal Code, stands upheld. He has already been released on PR bonds just three days before i.e. on 27th June, 2024. Since he has already undergone the sentence more than which is imposed for the said offence, he need not surrender back to jail. His PR bonds stand cancelled.
- (III) Criminal Appeal No. 48 of 2024 is kept pending since Appellant No.2 - Bhavdya @ Bhausahab Gorakh Pawar

has jumped the parole. Issue non-bailable warrant against him for securing his presence.

- (IV) Criminal Appeal No. 311 of 2024 stands dismissed.
- (V) Fees of Mr. N.S. Kadarle, learned counsel appointed to represent Appellant No.3 – Badri Kashinath Shinde in Criminal Appeal No. 48 of 2024, is quantified to Rs.15,000/- (Rupees Fifteen Thousand) to be paid by Legal Services Sub-committee, High Court, Aurangabad.

SSD (NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)