



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

**CRIMINAL APPEAL NO.278 OF 2018 WITH
CRIMINAL APPLICATION NO.941 OF 2024**

- 1) Sidharth s/o Sahebrao Sonawane,
Age 32 years, Occ. Painting work,
R/o Karmad, Taluka and
District Aurangabad
- 2) Shashikala Sahebrao Sonawane,
Age 55 years, Occ. Household,
R/o Karmad, Taluka and
District Aurangabad
- 3) Meera w/o Sanjay Sonawane,
Age 34 years, Occ. Labour,
R/o Karmad, Taluka and
District Aurangabad
- 4) Jyoti w/o Subhash Dabhade,
Age 35 years, Occ. Household,
R/o Balanagar, Tq. Paithan,
District Aurangabad.

... APPELLANTS

VERSUS

The State of Maharashtra
(Copy to be served on the
Public Prosecutor, High Court of
Judicature of Bombay,
Bench at Aurangabad)

... RESPONDENT

.....
Mr. N.S. Ghanekar, Advocate for appellants
Mrs. V.N. Patil Jadhav, A.P.P. for respondent
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Date of reserving judgment : 12th JUNE, 2024.

Date of pronouncing judgment : 18th JUNE, 2024.

JUDGMENT (PER R.G. AVACHAT, J.) :

The challenge in this appeal is to a judgment and order of conviction and consequential sentence, passed by learned Additional Sessions Judge-9, Aurangabad in Sessions Case, No.227/2015. Vide impugned judgment and order, the appellants have been convicted for offence punishable under Section 302 read with Section 34 of the Indian Penal Code and, therefore, sentenced to suffer imprisonment for life and to pay a fine of Rs.5000/- (Rupees five thousand) with default stipulation.

2. In all 7 accused were charged for offences punishable under Sections 302, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code. The appellant Siddharth was the husband of Pallavi (deceased). The appellant Siddharth was husband of Pallavi (deceased). Appellant Shashikala was mother-in-law, appellant Meera is wife of brother of appellant Siddharth and appellant Jyoti was

sisters-in-law of Pallavi (deceased). The three others, who have been acquitted, were father-in-law, brother-in-law and husband of one of the sisters-in-law of Pallavi (deceased). Neither State nor the informant has preferred appeal against acquittal.

3. In short, the case of the prosecution was that, Pallavi married appellant Siddharth way back in 2007. Initially, the couple was blessed with a girl child. The girl child died. After some long time, the couple was again blessed with a girl child, Anushka. It was the case of the prosecution that, since Pallavi gave birth to a girl child, the appellants and other in-laws (since acquitted), started harassing and ill-treating her for one or the other reason. Even the appellant Siddharth dropped Pallavi at her parental home and did not come to get her back. She stayed with her parents for a period of three years. She had, therefore, made a complaint to Women's Grievances Redressal Cell. The matter was compromised. Pallavi had resumed cohabitation.

4. It was also the case of the prosecution that on 26/6/2015, in the early morning, appellant Siddharth beat up Pallavi. Thereafter other appellants caught hold of her hands

and legs. Appellant Siddharth sprinkled kerosene on her person and set her ablaze. Other in-laws (since acquitted) gave Pallavi threats if she disclosed the incident. It was also the case of the prosecution that, the husband and in-laws asked her to report the matter as a case of attempt to commit suicide. One of the relations of Pallavi rushed her to Ghati Hospital, Aurangabad. Medico Legal Case (MLC) was reported. P.W.1 Vivek, Police Sub-Inspector, on receipt of MLC, first rushed to the crime scene. He drew the scene of offence panchanama (Exh.47). Seized the articles like can, Odhani, match box etc. Then he rushed to the Police Station and deposited the seized articles with Muddemal Clerk. He then went to Ghati Hospital. He verified Pallavi was fit and conscious to make a statement. He, therefore, recorded her statement-cum-First Information Report (F.I.R.) (Exh.53). He then went to the Court and gave a requisition to Special Executive Magistrate for recording of dying declaration (D.D.) of Pallavi. The Executive Magistrate Ashok (P.W.3) immediately rushed to Ghati Hospital and recorded the same after having verified from the Medical Officer that Pallavi was conscious oriented to make a statement. Meanwhile, relations of Pallavi from her parental side were informed. Her mother

and others rushed to the hospital. Pallavi orally informed her mother Latabai (P.W.5) about the incident of having been set ablazed. Pallavi breathed her last on 26/6/2015. Inquest panchanama (Exh.61) and autopsy (Exh.74) were therefore conducted on the mortal remains of Pallavi. Statements of the persons acquainted with the facts and circumstances of the case were recorded. Upon completion of the investigation, charge sheet was filed before the Court of learned Judicial Magistrate, First Class, Court No.7, Aurangabad, who in turn, committed the case to the Court of Sessions.

5. Learned Additional Sessions Judge-9, Aurangabad (Trial Court) framed the Charge (Exh.28). The prosecution, to bring home the charge, examined 7 witnesses and produced in evidence certain documents. On appreciation thereof, the learned Trial Court convicted the appellants and sentenced them as stated above and acquitted others.

6. Heard. Learned Advocate for the appellants would submit that, the incident took place in a toilet admeasuring not more than 4 ft. x 4 ft. The crime scene panchanama would indicate all the 4 sides of the toilet from inside were blackened. Other portion of the house did not bear any mark to indicate

the ablaze incident took place somewhere else. According to him, it was just impossible for 6 – 7 accused persons to enter a toilet and set Pallavi ablaze. He meant to say, it may be a case of suicide. He then adverted our attention to the evidence of P.W.1 Vivek who drawn the crime scene panchanama. Our attention was particularly adverted to the sketch of the crime scene. According to him, P.W.1 Vivek had reached the crime scene by little past 11.00 a.m. It took about 20 minutes to draw the crime scene panchanama. The distance between Police Station, Karmad to which he was attached, was 19 Kms. from the crime scene. While Ghati Hospital was about 9 Kms. away from the Police Station. As such, he required at least not less than 45 minutes to reach Ghati Hospital. A.S.I. Meher was said to have already been present at Ghati Hospital. Either he or some other police officer had already recorded Pallavi's statement. The same has been suppressed. He adverted our attention to certain evidence in that regard. Then our attention was drawn to the cross-examination of P.W.1 Vivek, who in no uncertain terms admitted that the D.D.-cum-F.I.R. (Exh.53) was not recorded by him. A person who recorded the same has not been examined. When Pallavi was admitted to the hospital, she

herself gave a history of suicide. She was conscious oriented. Her statement (D.D.) recorded by Executive Magistrate is grossly inconsistent with the history given by Pallavi and her so called statement recorded by P.W.1 Vivek. The same is also inconsistent with the oral evidence of the mother of Pallavi. According to the learned Advocate, the D.D. recorded by the prosecution have gross inconsistencies inter-se. The prosecution thus failed to bring home the charge beyond reasonable doubt. He, therefore, urged for allowing the appeal.

7. The learned A.P.P. first took us through the judgment of the Trial Court. She heavily relied on the judgment of the Constitution Bench of the Hon'ble Apex Court in case of **Laxman Vs. State of Maharashtra (2002) 6 SCC 710**. The learned A.P.P. then read out paragraph 37 of the impugned judgment, wherein the reasons have been given as to why the Trial Court has relied on the D.D. particularly the one recorded by P.W.1 Vivek. The Trial Court found the D.D. (Exh.53) to be trustworthy and reliable.

8. Learned A.P.P. then adverted our attention to the crime scene panchanama and specially the sketch to submit

that the incident took place somewhat outside a toilet. There was a match box on a stool. A Dupatta and can were seized from outside the toilet block. The learned A.P.P. then adverted our attention to the oral evidence of P.W.5 Latabai, mother of the deceased Pallavi to submit that there was matrimonial discord. Pallavi stayed at her parental house for three years. After she resumed cohabitation, she was not treated well and was ultimately killed by the appellants. According to learned A.P.P., there are no reasons for this Court to upset or interfere with the impugned order of conviction and consequential sentence.

9. Considered the submissions advanced. Perused the evidence on record. Let us advert thereto and appreciate the same.

Pallavi had married appellant Siddharth 8 years before the incident. The first baby born to them was a girl child. The girl child passed away. The couple was later on again blessed with a girl child Anushka. It appears that, financial position of parents of Pallavi was poor. Pallavi's father was maternal uncle of appellant Siddharth. Due to matrimonial discord, Pallavi was dropped at her parental house

by appellant Siddharth. She stayed there for three years. The daughter Anushka was admitted to a school there. She was taking education by residing with her maternal grand-parents. There is evidence of P.W.6 A.S.I. Ramdas to indicate Pallavi had made a written complaint to Women's Grievances Redressal Cell, alleging therein her husband and in-laws to have physically and mentally harassed her. The matter was, however, settled. She had resumed cohabitation. The evidence of P.W.5 Latabai, mother of Pallavi, indicates that appellant Siddharth was insisting to send his daughter Anushka back to his house. P.W.5 Latabai was reluctant to send her back to her father's (Siddharth) house. The reason therefor was, Anushka was taking education in a school at her village/ place and it would have been a case of mid-term academic transfer from one school to other. It is also in her evidence that, even after academic year was over, appellant Siddharth was insisting to send Anushka back to his house.

10. The inquest panchanama (Exh.61) indicates Pallavi suffered extensive burns. The post mortem report (Exh.74) indicates her to have suffered 100% of burns and died due to shock due to dermo epidermal thermal burns. The question is, whether the appellants before us have committed murder of

Pallavi by setting her ablaze. The case is mainly based on D.Ds., two written and one oral one.

11. Admittedly, Pallavi suffered extensive burns in the early morning of 25/6/2015. There is evidence on record to indicate some of her relations were residing in the lane, wherein her matrimonial home was. One of her relations had rushed her to Ghati Hospital, Aurangabad. Karmad Police Station was informed about MLC. P.W.1 Vivek (P.S.I.), therefore, rushed to the house of the appellant Siddharth. A cameraman was accompanied with him besides two panch witnesses. He conducted crime scene panchanama. His evidence indicates that, from the crime scene, he seized one green colour can, red colour liquid, burnt Dupatta and one empty match box, which was kept on the stool. A sketch of the crime scene was also drawn. The crime scene panchanama is at Exh.47.

12. The evidence of P.W.1 Vivek further indicates that he had reached the crime scene little past 11.00 a.m. The crime scene panchanama was drawn during 11.30 a.m. to 12.15 p.m. It is in his evidence that, then he returned to his Police Station (Karmad). Deposited the seized articles and

then went to Ghati Hospital. According to him, A.S.I.Meher had already been present at Ghati Hospital. It is further in his evidence that, he issued a letter to a doctor present there and requested him to examine Pallavi and certify whether she was conscious oriented to make a statement. He referred to the said letter (Exh.52). The letter is under the signature of A.S.I. Meher. It is further in his evidence that, the doctor examined and certified Pallavi to be fit to make a statement. P.W.1 Vivek then asked all the relations of Pallavi to leave the Ward. He then enquired with her and after having found to be fit to make a statement, recorded the same (Exh.53). It is in his evidence that, he obtained her thumb impression thereon. The recording was completed by 2.45 p.m. It is in his evidence that, since the doctor left the Ward midway for O.T. Department, and he was not around, he did not obtain doctor's certification post recording of statement. He then went to the Court and issued a letter (Exh.54) to the Special Executive Magistrate for recording of dying declaration of Pallavi. His evidence further indicates that, he too came back to Ghati Hospital and obtained doctor's endorsement by 4.50 p.m., indicating Pallavi was conscious oriented post making of the statement.

13. The dying declaration recorded by P.W.1 Vivek reads :

"माझी सुमारे पाच वर्षांपूर्वी नवरा -सिद्धार्थ सोनवणे यांच्या पासून एक मुलगी झालेली आहे तिचे, नाव अनुष्का - वय पाच वर्षे, ही झालेली आहे. माझ्या सासरचे लोक हे तुला मुलगी झालेली आहे ती मुलगी आम्हाला लागत नाही असे म्हणून मला नेहमी माझा नवरा सिद्धार्थ, सासरा साहेबराव सोनवणे, जाऊ नामे मिराबाई संजय सोनवणे, नणंद ज्योती सुभाष दाभाडे, नंदोई सुभाष दाभाडे, सासू शशीकलाबाई सोनवणे हे मला नेहमी तुला मुलगा नाही या कारणावरून नेहमी मारहाण करून शारीरिक त्रास देत होते.

दिनांक २५/०६/२०१५ रोजी सकाळी ०७:३० वाजेच्या सुमारास मला माझे नवरा सिद्धार्थ सोनवणे यांनी मारहाण केली व माझे घरी असताना मला अंगावर रॉकेल टाकून जाळून टाकले. ननंद ज्योती सुभाष दाभाडे, सासू शशीकलाबाई सोनवणे, जाऊ मीराबाई संजय सोनवणे यांनी माझे दोन्ही हात पाय धरून माझे नवऱ्याने रॉकेल अंगावर ओतून मला जाळले आहे. माझा सासरा साहेबराव सोनवणे, नंदोई सुभाष दाभाडे, भाया संजय साहेबराव सोनवणे, यांनी मला धमकी दिली की "तू जे काय झाले आहे हे सर्व तूच केले आहे सांग म्हणून धमकी दिली आहे.

माझे गल्लीत नातेवाईक लोकांनी औषध उपचार घाटी दाखल केले आहे. मला वरील सर्व सासरचे लोकांनी संगणमताने मुलगी झाली म्हणून जाळून मारण्याचा प्रयत्न केला आहे योग्य कार्यवाही करावी.

माझं वरील जबाब मला वाचून दाखविला तो माझे बोलणे प्रमाणे बरोबर खरा आहे."

14. P.W.1 Vivek was subjected to a searching cross-examination. In response to the questions put to him during cross-examination, it has been brought on record that, distance between Karmad Police Station and the crime scene

was of 19 Kms. while Ghati Hospital was at a distance of 9 Kms. from Karmad Police Station on the other side. As such, the distance between the house of the appellant Siddharth and Ghati Hospital was not less than 29 Kms., necessarily requiring not less than little over half an hour to travel between the two by road. From the cross-examination and the crime scene panchanama, it would be evident that the incident took place in a toilet block which was admeasuring not more than 4 ft. x 4 ft. He seized articles from the crime scene. His evidence would further indicate that there were two houses adjoining ech other. One of the two was old one. It was in the occupation of appellant Siddharth and his family members. It indicates that, it was a matrimonial home of Pallavi (deceased). The family had constructed a new house in the nearby. The crime scene panchanama further indicates that, the newly constructed house was not being used. Meaning thereby, none of the family members had shifted their residence to the new premises. The incident took place in a toilet block situated in the newly constructed house. The crime scene panchanama and the evidence of P.W.1 Vivek and panch witness indicate that all the 4 sides (3 walls + door) of the toilet were blackened from inside. According to Pallavi,

appellants No.2 to 4 had caught hold of her hands and legs while appellant Siddharth sprinkled kerosene on her person and set her ablaze. After considering the said statement, it is just difficult for us to imagine that all these persons were inside the toilet block admeasuring 4 ft. x 4 ft. and such incident took place therein. Admittedly, none of the appellants or acquitted accused had suffered burn or even heat of the flames wherein Pallavi (deceased) was engulfed. True, it was an unfortunate incident. It is also true that the crime scene panchanama indicates that an empty match box was seized from the stool outside a toilet block. A can and Dupatta too was seized just from outside of the crime scene. P.W.1 Vivek was categorical to admit to have not seized any article lying in a toilet pot.

15. There is further aspect of the matter. The letter (Exh.52) which was given to the Medical Officer to certify whether Pallavi was mentally fit to make ia statement is under signature of Mr. Meher. He has not been examined. The Medical Officer gave endorsement by 12.30 p.m. By this time admittedly P.W.1 Vivek was not present at Ghati Hospital. The same suggests that, he lied to have issued the said letter and obtained doctor's certificate thereon. To top it, P.W.1 Vivek admitted in his cross-examination that, statement-cum-F.I.R.

(D.D.) (Exh.53) is not in his handwriting. As such, it is not known who has recorded the same. It is not the case of the prosecution that some subordinate officer was with P.W.1 Vivek and he scribed the same as narrated by Pallavi in presence of P.W.1 Vivek. The so called D.D. recorded by P.W.1 Vivek even did not bear the timing by which it was recorded. There is also evidence of the Medical Officer and the mother of the deceased Pallavi to indicate that some police officer had already made enquiry with Pallavi immediately after her admission to the hospital. It might have been made by A.S.I. Meher, who has not been examined. Whether her statement was recorded before the one which is alleged to have been recorded by P.W.1 Vivek is not known. As such, what has been disclosed by Pallavi to the police officer who had made some enquiry with her by 12.30 noon is not known. The same can be said to have been suppressed from the Court. Surprisingly, the D.D. allegedly recorded by P.W.1 even did not bear timing at which he recorded the same. It also does not bear doctor's endorsement about fitness of Pallavi to make a statement. The learned A.P.P. was right in relying on the judgment of Constitution Bench of the Apex Court in case of Laxman (supra), wherein it has been observed :

“ . . . mere absence of doctor’s certification as to the fitness of the declarant’s state of mind, held, would not ipso facto render the dying declaration unacceptable.

It is indeed a hypertechnical view that the certification of the doctor was to the effect that the patient is conscious and there was no certification that the patient was in a fit state of mind especially when the Magistrate categorically stated in his evidence indicating the questions he had put to the patient and from the answers elicited was satisfied that the patient was in a fit state of mind whereafter he recorded the dying declaration.”

16. There can be no dispute over what has been observed in Laxman's case (supra). The facts of the present case, however, indicate the D.D. (Exh.53) is not in the handwriting of P.W.1 Vivek who claimed to have recorded the same. According to him, the recording was over by 2.40 p.m. As the Medical Officer was not around, he left for Court to issue requisition to Special Executive Magistrate for recording Pallavi's D.D. He then returned to the Hospital. P.W.1 Vivek unequivocally admitted to have obtained doctor's endorsement on the so called D.D. (Exh.53) at 4.50 p.m. He was categorical to state as under :

“I have taken endorsement of the doctor to show that the statement was recorded in his presence.”

17. The same indicates he was not true to his job. Firstly, for the reason that the D.D.-cum-F.I.R. of Pallavi (Exh.53) can be said to have not been duly proved since the police officer who recorded the same has not been examined. At the cost of repetition, it is stated that, P.W.1 Vivek unequivocally admitted the same to have not been in his handwriting.

18. Admittedly, Pallavi was admitted to Ghati Hospital by one of her relations and none of the in-laws. The medical papers have been on record. Those have been produced by the Medical Officer. It is in his evidence that, at the time of admission of Pallavi to the hospital, she was conscious oriented. She gave a history of self immolation (suicide). The learned A.P.P. would submit that, same is the result as the appellants had threatened her if she disclosed the true incident. When the deceased had suffered extensive (100%) burns and none of the appellant and acquitted accused had accompanied her to the hospital, and the one who had brought her to the hospital was some other relative, she could have stated to have been set on fire by her husband with the assistance of her in-laws. What has been reported by

deceased Pallavi to the Medical Officer was her version first in point of time which suggests a case of suicide. The same may get reinforced by the fact that the incident took place inside a toilet block of a newly constructed house which was not in house. It is reiterated that, it is just difficult to imagine that 4 other persons would catch hold of her hands and legs and the husband would set her ablaze in a tiny place admeasuring 4 ft. x 4 ft.

19. The Executive Magistrate, pursuant to the requisition issued by P.W.1 Vivek, rushed to Ghati Hospital and recorded Pallavi's statement-cum-D.D. (Exh.72), which reads thus :

"माझ्या नवऱ्यानी अंगावर रॉकेल टाकले व नवऱ्यानी माचीश पेटवून लावली व माझे सासू सासरे, नणंद, नंदई व नवरा, जाऊ, भाया संजू सोनवणे हे दुसऱ्या रुम मध्ये जाऊन बसले व मला धमकी दिली की जर पोलिसांनी विचारले तर सांग मी स्वतःच जळाली. मला पहिली मुलगी झाली म्हणून त्रास देत व म्हणत होते की पहिला मुलगा पाहिजे होता. मला कोणीच विझविले नाही. सरकारी गाडीत मला दवाखान्यात आणले.

प्रश्न : तुमची कोणा विरुद्ध काही तक्रार आहे काय ?

उत्तर : माझी तक्रार सासू, सासरे, जावू, नणंद, नंदई व नवऱ्या विरुद्ध तक्रार आहे. मला नवरा जास्त त्रास देत होता.

प्रश्न : या व्यतिरिक्त काही सांगायचे आहे काय ?

उत्तर : या अगोदर देखील त्रास होता परंतु मला वडीला कडून पैसे माग असे म्हणत होते.

आता माझा जबाब वाचून दाखविले. त्यातील मजकूर मी सांगितले प्रमाणे बरोबर आहे. जबाबावर तिचा उजव्या हाताचा अंगठा घेतला."

20. We then have oral D.D. made by the deceased to her mother P.W.5 Latabai. It is in her (P.W.5's) evidence that, Pallavi related her that, appellant Siddharth (husband) picked up quarrel with her. He slapped and beat her with fist blows. Shashikalabai- mother-in-law, Meera- sister-in-law and Jyoti (appellants No.2 to 4) caught hold of her hands and legs. The appellant Siddharth then poured kerosene on her person and set her ablaze. Sahebrao, Subhash and Sanjay (since acquitted) threatened her with dire consequences if she revealed the true incident.

21. P.W.5 Latabai being mother of the deceased Pallavi, her evidence is to be taken with a pinch of salt. It has been brought on record during her cross-examination that, while she had been to the hospital little past 12.15 noon, the police were making enquiry with her. The same reinforces the appellants' case that a police officer had already been to the Ghati Hospital pursuant to the MLC and recorded her statement or made some enquiry with her. The said police

officer, might be Shri Meher (not been examined). As such, what Pallavi (deceased) had disclosed to the police officer first in point of time in Ghat Hospital is not coming forth. While she was admitted to the hospital, none of the appellants or other in-laws were with her. She was conscious oriented. She gave history of self immolation. The same is being reinforced in view of the fact that the incident took place in a toilet. We have already observed above that it is just difficult to imagine that 5 persons and deceased Pallavi were inside the toilet and the incident took place as alleged by the prosecution. Admittedly, no other part of the house wherein the incident took place, borne any evidence of burning incident. At the cost of repetition, it is observed that, none of the appellants or the acquitted persons suffered any burn or even heat.

22. The first D.D. (Exh.53) claimed to have been recorded by P.W.1 Vivek is not relied on in view of his admission to have not been recorded by him. The person who has recorded it has not been examined. We do not wish to reiterate anything more since his evidence has been appreciated hereinabove.

23. Even for the prosecution's sake, we accept the

D.D. (Exh.53) and compare the same with the history given by Pallavi (deceased) while she was admitted to the hospital and the D.D. recorded by the Executive Magistrate are grossly inconsistent with each other. The prosecution evidence thereby inspires no confidence to uphold the impugned order of conviction and consequential sentence. The learned A.P.P. would submit that, there was a common thread in all the D.Ds. The role attributed to appellant Siddharth is consistent. It is he who poured kerosene on the person of Pallavi and set her ablaze. There can be no dispute about the same, but for the history given by Pallavi to the Medical Officer soon after her admission to the Ghati Hospital and her statement, if any, or what was disclosed by her in enquiry by police officer, which was admittedly made by her on her admission to the hospital, has been suppressed from the Court. The Apex Court, in case of **State of Punjab Vs. Parveen Kumar (MANU/SC/1017/2004)**, observed :

“12. . . . The mere fact that two different versions are given but one name is common in both of them cannot be a ground for convicting the named person. The Court must be satisfied that the dying declaration is truthful. If there are two dying declarations giving two different versions, a serious doubt is created about the truthfulness of the dying declaration. It may be that if there was

any other reliable evidence on record, this Court could have considered such corroborative evidence to test the truthfulness of the dying declarations.”

24. Moreover, the learned Advocate for the appellants has relied upon a Division Bench judgment of this Court in case of **Suresh Vs. State of Maharashtra (MANU/MH/1335/2005)** to submit that, in case of multiple dying declarations, there has to be consistency inter-se all the dying declarations. The consistency has to be in respect of prelude to the incident, names of the culprits and overt act played by them.

25. We are conscious of the fact that criminal case has to be decided on the basis of facts and circumstances obtainable therein. At the cost of repetition, it is observed that, for the reasons given hereinabove, we reach to a conclusion that the prosecution evidence could not bring home the charge beyond reasonable doubt. Interference with the impugned order of conviction and consequential sentence is, therefore, warranted. Hence the order :

ORDER

(i) The Criminal Appeal is allowed.

(ii) The order of conviction and consequential sentence, dated 6/4/2018, passed by learned Additional Sessions Judge-9, Aurangabad in Sessions Case, No.227/2015 is hereby set aside. The appellants are acquitted of the offences punishable under Section 302 read with Section 34 of the Indian Penal Code. Fine amount, if paid, be refunded to them.

(iii) The appellant No.1 Sidharth s/o Sahebrao Sonawane is in jail. He be set at liberty forthwith if not required in any other case.

(iv) The appellant No.2 Shashikala Sahebrao Sonawane, appellant No.3 Meera w/o Sanjay Sonawane and appellant No.4 Jyoti w/o Subhash Dabhade are on bail. Their bail bonds are cancelled.

(v) In view of disposal of the Criminal Appeal, Criminal Application No.941/2024 stands disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-