



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

999 CRIMINAL REVISION APPLICATION NO. 108 OF 2023

Ekbalkhan Kadar Khan Pathan
Deceased, Through LRs.
Pathan Arifkhan Ekbalkhan,
Age 29 years, Occ. Business,
R/o Umrawati, Post Andhari,
Ta. Phulambri, District Aurangabad.

... Applicant

Versus

1. Yusufkhan Mehatabkhan Pathan
Age 62 years, Occ. Service,
2. Shaikh Amin Shaikh Usman
Age 61 years, Occ. Agriculture,
3. Aslamkhan Mehaboobkhan
Age 61 years, Occ. Agriculture,
4. Shaikh Gafoor Shaikh Bashir
Age 59 years, Occ. Agriculture,
5. Samadkhan Husenkhan Pathan
Age 42 years, Occ. Agriculture,
6. Shaikh Jamil Shaikh Sardar
Age 61 years, Occ. Agriculture,

All 1 to 6 are R/o Umrawati,
Post Andhari, Ta. Phulambri,
District Aurangabad.

7. The State of Maharashtra
Through Police Inspector,
Police Station, Phulambri,
District Aurangabad.

... Respondents

...
Mr. Dhananjay Kakasaheb Thote, Advocate for Applicant.

Mr. K. G. Bhosale & Mr. S. K. Bhosale, Advocate for Respondent Nos.1 to 6.

Mr. Mukesh K. Goyanka, APP for Respondent No.7.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 21st February, 2024.

P.C.:

1 The son of the informant is present today before the Court.

He submits that his father has died.

2 This revision application is directed against the judgment and order dated 11th January, 2023 passed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.33 of 2015. The said criminal appeal was filed against the judgment and order dated 18th February, 2015 passed by the learned Judicial Magistrate First Class, Phulambri, District Aurangabad in R.C.C. No.54 of 2009.

3 By the judgment and order passed by the learned Judicial Magistrate First Class, Phulambri, all the respondents were held liable under Section 297 read with 34 of the Indian Penal Code (IPC) and sentenced to suffer rigorous imprisonment for six months each with fine of Rs.2000/- each, under Section 504 read with 34 of the IPC they are sentenced to suffer rigorous imprisonment for one months each with fine of Rs.1000/- each, for the offence punishable under Section

506(2) read with 34 of the IPC, they are sentenced to suffer rigorous imprisonment for six months each with fine of Rs.2000/- each. As far as accused No.3 Shaikh Fakira is concerned, he was not awarded rigorous imprisonment, but fine of Rs.1000/- was awarded. There was direction to pay Rs.25,000/- out of the fine amount to the informant.

4 The learned learned Additional Sessions Judge, Aurangabad by judgment and order dated 11th January, 2023 passed in Criminal Appeal No.33 of 2015, partly allowed the appeal and the respondents were directed to pay the fine amount of Rs.1000/-, Rs.500/- and Rs.500/- each for the offences punishable under Sections 297, 504 and 506 (2) of the IPC. The said amount of fine is also deposited.

5 The parties have filed compromise pursis today, which is verified by the Section Officer of this Court today itself. The same is taken on record and marked as 'X-1' for identification. Considering the terms of compromise, the conviction order dated 18th February, 2015 passed by the learned Judicial Magistrate First Class, Phulambri, District Aurangabad in R.C.C. No.54 of 2009, is set aside and the respondents are set at liberty. However, considering the facts and circumstances of the case, the fine amount, which is deposited in the Trial Court and the First Appellate Court, the respondents are ready to

waive that amount. As per the order passed by the learned Judicial Magistrate First Class, an amount of Rs.25,000/- to be paid to the informant as compensation.

6 The appellant/informant is entitled to file applications before the Trial Court for receiving that amount of Rs.25,000/- as well as the fine amount of Rs.12,000/- deposited in the First Appellate Court. Both the Courts shall allow those applications accordingly.

7 Since the original informant has died, the amount be paid to his son namely Pathan Arifkhan Ekbalkhan.

8 With these directions, the criminal revision application is disposed of.

[SANJAY A. DESHMUKH, J.]

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