



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 209 OF 2021

1. Matin S/o Gafar Shaikh,
Age 34 years, Occu Busniess,
R/o. Indira Nagar, Kothi,
Ahmednagar,
District Ahmednagar.
 2. Mobin s/o Gafar Shaikh,
Age 27 years, Occu Business,
R/o. Indira Nagar, Kothi,
Ahmednagar,
District Ahmednagar.
- ... Appellants

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Kotwali Police Station, Ahmednagar,
District Ahmednagar.
 2. Shaikh Wasim Ajij,
Age 24 years, Occ. Busniess,
R/o. Zendigate, Ahmednagar.
- ... Respondents

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Mr. Sagar P. Mahalr h/f Mr. Shaikh Mazhar A. Jahagirdar, Advocate
for the appellants.

Mrs. Chaitali Chaudhari Kutti, APP for Respondent No.1-State.

Mr. N. B. Narwade, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 24.09.2024

ORDER :

1. Learned counsel for the appellants submits that the appellants had preferred an application under Section 482 of the Code of Criminal Procedure before the Division Bench of this Court, i.e. vide Criminal Application No. 2546 of 2023, and vide judgment and order dated 22.08.2024, the appellants and respondent are allowed to compound the offence and the conviction of the appellants in Sessions Case No. 130 of 2013 has also been quashed and set aside.

2. The operative part of the said order dated 22.08.2024 reads as under :

“(I) The Application is hereby allowed.

(II) Applicant Nos. 1 and 2 and respondent No.2 are allowed to compound the offence. Consequently, we quash and set aside the conviction of the applicants in Sessions Case No. 130 of 2013 by the learned Additional Sessions Judge, Ahmednagar dated 24th March 2021 for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code and Section 323 read with Section 34 of the Indian Penal Code.

(III) Consequently, Criminal Appeal No. 209 of 2021 pending before the learned Single Judge of this Court stands disposed of.

(IV) It appears that the fine amount that was imposed, has been deposited by the applicants with Sessions Court, Ahmednagar. It is directed to be confiscated/credited to the Government.

(V) The applicants to deposit cost of Rs.1,00,000/- (Rupees One Lakh only) with the Registry i.e. the Committee as indicated in Paragraph No.11, on or before 9th September 2024. After the deposit of the said amount, the Committee is at liberty to utilize the said amount for purchase of articles / instruments useful for the patients visiting the Medical Dispensary situated in the High Court premises.”

3. In view of the above, nothing survives in the present appeal for consideration. The appeal being already disposed of vide clause (III) of the operative order passed by the Division Bench as above, the same be removed from board.

[ABHAY S. WAGHWASE, J.]