



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 CRIMINAL APPLICATION NO. 1735 OF 2024
IN REVN/355/2023

RAJENDRA KASHINATH DEORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Pathade Vishweshwar Haribhau.
APP for Respondent-State : Ms. P. V. Diggikar.
...

WITH

CRIMINAL REVISION APPLICATION NO. 355 OF 2023
SUNIL KASHINATH DEORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Gore Ravindra Vitthal.
APP for Respondent-State : Ms. P. V. Diggikar.
...

CORAM : S. G. MEHARE, J.
DATE : 12.08.2024

PER COURT :-

1. The applicants/accused were convicted for an offences punishable under Sections 143, 147, 148, 149, 326, 323 and 504 of the IPC. The order of the learned Judicial Magistrate First Class was impugned in appeal before the Sessions Court. The Sessions Court also confirmed the conviction. Against the conviction, the applicant/convict preferred this revision. The

substantial sentences were suspended by this Court till the conclusion of the revision.

2. Applicant Rajendra, who is the injured/complainant moved an application before this Court to intervene for the reasons that he has settled the dispute with the accused and compounding of the offences. The learned counsel for the accused/applicants states that the contents of the intervenor Rajendra may be accepted.

3. The offence punishable under Section 326 is non compoundable. Therefore, both counsels made a statement that in the circumstances, the quantum of sentence may be reduced and compensation be paid to the injured. It seems that both parties are relatives. They wanted to live peaceful life in future. Therefore, in the peculiar circumstances, the sentence may be reduced to the period undergone. The applicants were behind bar for 12 days.

4. Admittedly, there was no error in the impugned judgments and orders. However, to make the life of both side peaceful in future, the revision may be partly allowed. Hence, the following order :

ORDER

- (i) The revision Application is partly allowed.
- (ii) The judgment of the learned Judicial Magistrate First Class, Kannad in RCC No.267 of 2008, dated 06.06.2018 and confirmed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.108 of 2018, dated 28.11.2023 is stayed.
- (iii) However, the corporal sentence would suffer R.I. for three years for the offence punishable under Section 326. R.I. for one year for Section 323 and R.I. for one year for the offence punishable under Section 148, 149 and 143 each is reduced to the period which the accused undergone. The fine amount deposited be paid to the injured Rajendra Kashinath Deore.
- (iv) R and P be returned to the learned Trial Court.
- (v) Criminal application No.1735 of 2024 stands allowed.

(S. G. MEHARE, J.)

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