



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

CRIMINAL APPEAL NO.360 OF 2017

1. Balshiram Bhagaji Wafare,
Age : 43 years,
2. Bhagaji Shivram Wafare, - (abated)
Age : 84 years,
*(Appeal abated against appellant no.2
vide order dated 19.12.2023)*
3. Dnyandeo Sonyabapu Wafare, - (deleted)
Age : 37 years,
4. Santosh Kisan Wafare - (deleted)
Age : 33 years,
*(Names of appellant nos.3 andto 4 deleted
as per court's order dated 16.03.2023)*
5. Nandabai Balshiram Wafare,
Age : 40 years,
Both r/o. Wafarewadi,
Post Karjule Harya, Tq. Parner,
Dist. Ahmednagar ..Appellants

Vs.

The State of Maharashtra,
Through Police Station Officer,
Parner Police Station,
Tq.Parner, Dist. Ahmednagar ..Respondents

WITH
CRIMINAL APPEAL NO.16 OF 2024

Dnyandev s/o. Sonyabapu Wafare,
Age : 42 years, Occ. Nil,
r/o. Wafarewadi, Post Karjule Hariya,
Tq. Parner, Dist. Ahmednagar ..Appellant

Vs.

The State of Maharashtra ..Respondent

WITH
CRIMINAL APPEAL NO.256 OF 2023

Santosh s/o. Kisan Wafare,
Age : 38 years, Occ. Agri.,
r/o. Wafarewadi, Post KarjuleHarya,
Tq. Parner, Dist. Ahmednagar ..Appellant

Vs.

The State of Maharashtra,
Through Police Station Officer,
Parner Police Station,
Tq. Parner, Dist. Ahmednagar ..Respondent

Mr.Nilesh S. Ghanekar, Advocate for appellants in Cri. Appeal No.360 of 2017

Mr.N.B.Narwade, Advocate for appellant in Cri. Appeal No.16 of 2024

Mr.S.R.Sapkal, Advocate for appellant in Cri. Appeal No.256 of 2023

Mr.S.D.Ghayal, APP for respondent – State in all appeals

**CORAM : R.G.AVACHAT AND
 : NEERAJ P. DHOTE, JJ.
ORDER : JANUARY 18, 2024**

OPERATIVE ORDER :-

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

- (i) The appeals are partly allowed.
- (ii) The judgment and order dated 01.08.2017 passed by learned Addl. Sessions Judge, Ahmednagar, in Sessions Case No.26

others

of 2007, to the extent of convicting and sentencing the appellants for the offence punishable under Section 302 read with Section 149 of Indian Penal Code, is set aside.

Instead, the appellants are convicted for the offence punishable under Section 304 Part II read with Section 149 of Indian Penal Code.

(iii) The appellant - Balshiram Bhagaji Wafare is sentenced to suffer rigorous imprisonment for nine years and to pay a fine of Rs.5,000/- each, in default, to suffer rigorous imprisonment for three months, for the offence punishable under Section 304 Part II read with Section 149 of Indian Penal Code.

(iv) The appellants - Dnyandev s/o. Sonyabapu Wafare and Santosh s/o. Kisan Wafare are sentenced to suffer rigorous imprisonment for six years and to pay a fine of Rs.5,000/- each, in default, to suffer rigorous imprisonment for three months, for the offence punishable under Section 304 Part II read with Section 149 of Indian Penal Code.

(v) The appellant - Nandabai is directed to suffer rigorous imprisonment for the period, which she has already undergone, and to pay a fine of Rs.5,000/-, in default, to suffer rigorous imprisonment

others

for three months, for the offence punishable under Section 304 Part II read with Section 149 of Indian Penal Code.

(vi) The appellant – Nandabai need not surrender back to jail.

(vii) The appellants - Dnyandev s/o. Sonyabapu Wafare and Santosh s/o. Kisan Wafare be released forthwith, if not required in any other case.

(viii) Rest of the judgment and order dated 01.08.2017 passed by learned Addl. Sessions Judge, Ahmednagar, in Sessions Case No.26 of 2007, to stand unaltered.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP