



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

CRIMINAL APPEAL NO.288 OF 2015

1. Gulab Rayappa Birajdar (Bhosale)
Age 53 years,
R/o Kothali, Tal. Omerga,
District Osmanabad
2. (Deepak Gulab Birajdar (Bhosale) Appellant Nos.2 & 4
Age 25 years, have filed separate
R/o Kothali, Tal. Omerga, Criminal Appeal
District Osmanabad) No.719/2022
3. (Kannaya Basanna Mandale,
Age 25 years,
R/o Kothali, Tal. Omerga,
District Osmanabad)
4. (Hari Alias Hariprasad Amruta Mandale,
Age 27 years,
R/o Kothali, Tal. Omerga,
District Osmanabad)
5. (Dattatraya Tulshiram Firange, Appellant Nos.3, 5 & 7
Age 25 years, have filed separate
R/o Kothali, Tal. Omerga, Criminal Appeal
District Osmanabad) No.841/2018
6. (Uma Alias Opmprakash Manik Mandale
Age 30 years,
R/o Kothali, Tal. Omerga, Appellant Nos.6, 9 & 10
District Osmanabad) have filed separate
Criminal Appeal
No.849/2022
7. (Shrikrishan Bajirao Mandale,
Age 22 years,
R/o Kothali, Tal. Omerga,
District Osmanabad)
8. Avinash Mallinath Bhange,
Age 27 years,
R/o Kothali, Tal. Omerga,
District Osmanabad
9. (Dayanand Manik Mandale,

Age 33 years,
R/o Kothali, Tal. Omerga,
District Osmanabad)

10. (Vitthal Hanmantraya Bora,
Age 28 years,
R/o Kothali, Tal. Omerga,
District Osmanabad)

... **APPELLANTS**
(Orig. Accused Nos.1 to 10)

VERSUS

1. The State of Maharashtra
Through Investigating Officer,
Pradip Bhanudas Babar
S.D.P.O., Omerga Sub-Division

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

2. Vijay s/o Vishwanath Kamble, Respondent No.2
Deceased, through his L.Rs. added as per
Court's order
dated 13/2/2023
- 2-1) Kantabai w/o Vishwanath Kamble,
Age 70 years, Occu. Housewife,
R/o Kothali, Tal. Omerga,
District Osmananabad
- 2-2) Amol s/o Kernath Kamble
Age 36 years, Occu. Labour,
R/o as above.

... **RESPONDENTS**

.....
Mr. V.D. Sapkal, Senior Counsel with
Mr. O.R. Waghule, Advocate for appellants No.1 & 8
Mr. S.D. Ghayal, Addl. P.P. for respondent No.1.
Mr. S.S. Birajdar, Advocate for respondent No.2-1 & 2-2
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WITH

**CRIMINAL APPEAL NO.719 OF 2022 WITH
CRIMINAL APPLICATION NO.3769 OF 2022**

- 1) Deepak s/o Gulab Birajdar (Bhosale)
Age 25 years, Occu. Nil,
R/o Kothali, Tal. Omerga,
District Osmanabad.

- 2) Hari @ Hariprasad s/o Amruta Mandale,
Age 27 years,
R/o Kothali, Tal. Omerga,
District Osmanabad. ... APPELLANTS

VERSUS

1. The State of Maharashtra
(Copy to be served on
Public Prosecutor, High Court of
Judicature of Bombay,
Bench at Aurangabad)
2. Kantabai w/o Vishwanath Kamble, (Respondent Nos.2 &
Age 60 years, Occu. Housewife, 3 added as per order
R/o Kothali, Tal. Omerga, dated 13/2/2023)
District Osmananabad
3. Amol s/o Kernath Kamble
Age 36 years, Occu. Labour,
R/o as above. ... RESPONDENTS

.....
Mr. N.S. Ghankear, Advocate for appellants
Mr. S.D. Ghayal, Addl. P.P. for respondent No.1.
Mr. S.S. Birajdar, Advocate for respondent No.2-1 & 2-2
.....

WITH

CRIMINAL APPEAL NO.849 OF 2022

- 1) Uma Alias Omprakash Manik Mandale,
Age 37 years,
R/o Kothali, Tal. Omerga,
District Osmanabad
- 2) Dayanand Manik Mandale,
age 40 years,
R/o Kothali, Tal. Omerga,
District Osmanabad
- 3) Vitthal Hanmantraya Bora
Age 35 years,
R/o Kothali, Tal. Omerga,
District Osmanabad ... APPELLANTS

VERSUS

1. The State of Maharashtra
Through Investigating Officer,
Pradip Bhanudas Babar
S.D.P.O., Omerga Sub-Division

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

2. Kantabai w/o Vishwanath Kamble, (Respondent Nos.2 &
Age 60 years, Occu. Housewife, 3 added as per order
R/o Kothali, Tal. Omerga, dated 13/2/2023)
District Osmanabad
3. Amol s/o Kernath Kamble
Age 36 years, Occu. Labour,
R/o as above.

... RESPONDENTS

.....
Mr. S.S. Thombre, Advocate for appellants
Mr. S.D. Ghayal, Addl. P.P. for respondent No.1.
Mr. S.S. Birajdar, Advocate for respondent No.2-1 & 2-2
.....

WITH

CRIMINAL APPEAL NO.841 OF 2018

- 1) Kannaya Basanna Mandale,
Age 27 years, Occu. Tailor,
R/o Village Kothali, Tal. Omerga,
District Osmanabad
- 2) Dattatraya Tulshiram Firange,
Age 27 years, Occu. Service as
Driver, R/o as above.
- 3) Shrikrishan Bajirao Mandale,
Age 25 years, Occu. Education,
R/o as above.

(At present the appellants are in
Nashik Road Central Prison, Nashik,
Taluka and District Nashik)

... **APPELLANTS**

VERSUS

1. The State of Maharashtra

Through Investigating Officer,
Pradip Bhanudas Babar

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

2. Kantabai w/o Vishwanath Kamble, (Respondent Nos.2 &
Age 60 years, Occu. Housewife, 3 added as per order
R/o Kothali, Tal. Omerga, dated 13/2/2023)
District Osmananabad
3. Amol s/o Kashinath Kamble
Age 36 years, Occu. Labour,
R/o as above.

... RESPONDENTS

.....
Mr. Rajendra Deshmukh, Senior Counsel with
Mr. V.A. Chavan & D.R. Deshmukh, Advocates for appellants
Mr. S.D. Ghayal, Addl. P.P. for respondent No.1.
Mr. S.S. Birajdar, Advocate for respondent No.2 and 3
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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : JANUARY 25, 2024

OPERATIVE ORDER :-

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

(i) Criminal Appeal Nos.719/2022 and 841/2018 are partly
allowed to the extent of the appellants - Hari @ Hariprasad s/o
Amruta Mandale and Dattatraya Tulshiram Firange.

(ii) The order of conviction and sentence passed against
appellant No.2 in Criminal Appeal No.719/2022 - Hari @

Hariprasad s/o Amruta Mandale and appellant No.2 in Criminal Appeal No.841/2018 - Dattatraya Tulshiram Firange for the offences punishable under Sections 302, 307, 143, 148, 147 r/w. 149 of Indian Penal Code, by learned Additional Sessions Judge, Omerga in Sessions Case No.20/2012, dated 4/3/2015 is hereby set aside.

They are acquitted of the offences punishable under Sections 302, 307, 143, 148, 147 r/w. 149 of Indian Penal Code.

They be set at liberty forthwith, if not required in any other case.

Fine amount, if paid, be refunded to them.

(iii) Criminal Appeal No.719/2022 filed by appellant No.1 - Deepak s/o Gulab Birajdar (Bhosale) and 841/2018 filed by appellant No.1 - Kannaya Basanna Mandale and appellant No.3 - Shrikrishan Bajirao Mandale stand dismissed.

(iv) Criminal Appeal No.288/2015 filed by appellant No.1 - Gulab Rayappa Birajdar (Bhosale) and appellant No.8 - Avinash Mallinath Bhanghe is dismissed.

(v) Criminal Appeal No.849/2022 is dismissed.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-