

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 227 OF 2017**

1. Shri Raju Appasaheb Patil

2. Shri Suraj Appasaheb Patil

... Appellants

V/s.

The State of Maharashtra

... Respondent

Dr. Yug Chaudhry a/w Mr. Anush Shetty for Appellants.

Mr. Vinod Chate, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 11th MARCH 2024

. For the reasons recorded separately, following Order is passed.

OPERATIVE ORDER

- i) Appellants are acquitted under Section 302 of the Indian Penal Code and instead convicted under Section 304 (Part-II) of the Indian Penal Code;
- ii) Appellants are directed to undergo Rigorous Imprisonment for 10 years each and to pay fine of Rs.5,000/- each. In default of payment of fine, to further suffer Rigorous Imprisonment for 3 months each;
- iii) The impugned Judgment dated 16th January 2017 is modified to the extent as noted hereinabove;
- iv) Record indicates that, Appellants as of today have undergone approximately 9 years and 6 months in

actual incarceration, and including remission approximately 11 years in incarceration;

- v) In view thereof, Appellants have already undergone the sentence prescribed and also in default sentence as of today and therefore they may be released from Jail immediately, if not required in any other case/cases, on production of an authenticated copy of the Operative Part of the present Order;
- vi) Criminal Appeal is partly allowed in the aforesaid terms.
- vii) All the concerned to act on an authenticated copy of this operative part of Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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