

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 22 OF 2015

1) Eknath Laxman Shinde
2) Bhaishya Asaram Pardeshi Appellants
(Original accused nos.1 and 2)
v/s.
The State of Maharashtra Respondent

**WITH
CRIMINAL APPEAL NO. 1053 OF 2022**

Abhijeet @ Chochya Ashok Sangare Appellant
(Original accused no.3)
v/s.
The State of Maharashtra Respondent

Mr. Daulat G. Khamkar for the Appellants in APEAL/22/2015.
Mr. Aashay B. Topiwala a/w. Mr. Vrushabh M. Savla for the Appellant
in APEAL/1053/2022.
Mrs. A.A. Takalkar, APP for the State.

**CORAM : A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 8th MARCH, 2024.**

**JYOTI
RAJESH
MANE**

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P. C. :

- 1) Operative Part :-
- (a) The impugned Judgment and Order dated 12th December 2014 is quashed and set aside and instead the Appellants- Eknath Laxman Shinde, Bhaishya Asaram Pardeshi and Abhijeet @ Chochya Ashok Sangare are held guilty for commission of crime under Section 304 (Part-II) read with

Section 34 of the I.P.C. and are sentenced to suffer rigorous imprisonment for a period of ten years and to pay a fine of Rs.25,000/- each, in default of payment of fine to further undergo rigorous imprisonment for one year.

(b) The impugned conviction and sentence for the offence punishable under Section 37(1) read with Section 135 of the Bombay Police Act is upheld.

(c) Both the sentences to run concurrently.

(d) Record indicates that, the Appellants/accused nos.1 and 2 were arrested on 06th May, 2012 and accused no.3 was arrested on 07th May, 2012 and are in jail till today. The Appellants thus have undergone entire sentence including in default sentence till today and therefore, are entitled to be released from jail forthwith, if not required in any other case/cases.

2) As per record, the Appellants are lodged in Yerwada Jail, Pune and therefore the learned A.P.P. is directed to communicate present operative part of Order to the Superintendent, Yerwada Central Prison, Pune immediately.

3) All concerned to act on the basis of an authenticated copy of this Judgment and Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)