

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

CRIMINAL APPEAL NO. 1245 OF 2023

Kondiram Madhu Pawar,
Prisoner No. C-15597
Age: 37 years: Occ: Mason
R/o. Vadar Society, Tal: Baramati Dist.:Pune
Presently in Yerwada Central Prison, Pune .. Appellant
vs.

State of Maharashtra
Through Baramati Police Station, Dist
Pune. .. Respondent

Mr. Sushan N.Mhatre (Appointed Advocate) for the Appellant.
Mr. S.V. Gavand, APP, for the Respondent-State.

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

**RESERVED ON : 19th March 2024
PRONOUNCED ON : 7th May 2024**

OPERATIVE ORDER:

For the reasons separately recorded following order is passed:

- 1) Criminal Appeal No. 1245 of 2023 is partly allowed.
- 2) The impugned Judgment and Order of conviction and sentence dated 31st July 2009, passed by District Judge-2 & Additional Sessions Judge, Baramati, Pune, against the Appellant for the offence punishable under Section 302 of I.P.C. is quashed and set aside.
- 3) Instead, Appellant Kondiram Madhu Pawar is convicted for the offence punishable under Section 304(Part I) of I.P.C. and is

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sentenced to suffer rigorous imprisonment for a period of ten years and fine of Rs.2000/- in default of payment of fine to undergo simple imprisonment for six months.

- 4) The Appellant has already undergone his sentence of imprisonment under Section 304 (Part I) of I.P.C. The Appellant is detained at Yerwada Central Prison, Pune. Hence, he be released forthwith on payment of fine amount, if not required to be detained in any other case/s.
- 5) Consequently Interim Application No. 3659/23 is disposed off.
- 6) Legal Aid fees be paid to the Appointed Advocate as per the Rules.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)