



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

**CRIMINAL APPEAL NO.121 OF 2023 WITH
CRIMINAL APPLICATION NO.1814 OF 2024**

Shailesh @ Sunny Ajay Benjamin ...**APPELLANT**

VERSUS

The State of Maharashtra & anr. ...**RESPONDENTS**

.....
Mr. A.K. Bhosle, Advocate for appellant
Mrs. S.N. Deshmukh, A.P.P. for respondent
Mr. R.B. Narwade Patil, Advocate for R.No.2 (appointed)
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Date of reserving judgment : 6th February, 2025

Date of pronouncing judgment : 1st April, 2025

OPERATIVE ORDER :

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

(i) The Criminal Appeal is allowed.

(ii) The order of conviction and consequential sentence passed by the Court of Adhoc District Judge-1 & Additional

Sessions Judge, Aurangabad on 2/9/2021 in Sessions Case, No.263/2016 is hereby set aside.

(iii) The appellant is acquitted of the offences punishable under Sections 302 and 201 of the Indian Penal Code. The appellant be set at liberty forthwith if not required in any other case. Fine amount, if paid, be refunded to him.

(iv) Criminal Application No.1814/2024 stands disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-