



923 Appeal 637-2005

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL APPEAL NO. 637 OF 2005

1. The State of Maharashtra ... APPELLANT

VERSUS

1. Hanmant @ Aba Babusha Magar

2. Babusha Sopan Magar

3. Pandurang @ Tatya Babusha Magar

4. Rupabai Sopan Magar ... RESPONDENTS

WITH

CRIMINAL APPEAL NO. 638 OF 2005

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...

Mr. Dnyaneshwar J. Patil – APP for Appellant, State

Mr. M.B. Kolpe – Advocate for Respondent Nos.1 to 4

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 16th JANUARY, 2025

PER COURT :

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1. Learned A.P.P. for appellant/State and learned advocate for

respondents pointed out and submitted that, this appeal was filed for enhancement of punishment as per Section 378(1) of the Criminal Procedure Code.

2. Learned advocate for the respondents pointed out the judgment passed by the learned Adhoc Additional Sessions Judge, Osmanabad, Dist. Osmanabad in Criminal Appeal No.21 of 2005 dated 05.12.2016, in which all the accused are acquitted for the offence punishable under Section 323 read with 34 of the Indian Penal Code. Therefore, this appeal becomes infructuous and disposed of accordingly.

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3. Learned advocate for the respondents submits that, respondent No.2 Babusha Sopan Magar has died on 20.11.2011. The appeal therefore abated against him. The copy of death certificate of respondent No.2 filed by learned advocate for the respondents is taken on record and marked as X-1 for identification. The appeal is dismissed against respondent No.2.

4. List the appeal on 23rd January, 2025, for final hearing.

[SANJAY A. DESHMUKH, J.]