



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

CRIMINAL APPEAL NO.224 OF 2017

Babu s/o Limbaji Kale ... **APPELLANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. S.P. Chate, Advocate for appellant
Mr. S.D. Ghayal, A.P.P. for respondent
.....

WITH

**CRIMINAL APPEAL NO.767 OF 2018 WITH
CRIMINAL APPLICATION NO.422 OF 2024**

Vinod s/o Madhukar Ghige ... **APPELLANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. Abhay D. Otwal, Advocate with
Mr. Sunil Kaldate, Advocate holding for
Mr. P.N. Muley, Advocate for appellant
Mr. S.D. Ghayal, A.P.P. for respondent
.....

WITH

CRIMINAL APPEAL NO.768 OF 2018 WITH

CRIMINAL APPLICATION NO.883 OF 2024

Rajendra Alias Raju Murlidhar Ghige ... **APPELLANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. Abhay D. Ostwal, Advocate with
Mr. D.Y. Kasbe, Advocate for appellant
Mr. S.D. Ghayal, A.P.P. for respondent
.....

WITH

**CRIMINAL APPEAL NO.769 OF 2018 WITH
CRIMINAL APPLICATION NO.882 OF 2024**

Tuljiram Alias Bappa Ashok Vidyagar ... **APPELLANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. Abhay D. Ostwal, Advocate with
Mr. D.Y. Kasbe, Advocate for appellant
Mr. S.D. Ghayal, A.P.P. for respondent
.....

WITH

**CRIMINAL APPEAL NO.770 OF 2018 WITH
CRIMINAL APPLICATION NO.884 OF 2024**

Sudhakar Alias Pintu Bhagwan Bhalerao ... **APPELLANT**

VERSUS

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The State of Maharashtra ... **RESPONDENT**

.....
Mr. Abhay D. Ostwal, Advocate with
Mr. D.Y. Kasbe, Advocate for appellant
Mr. S.D. Ghayal, A.P.P. for respondent
.....

WITH

CRIMINAL APPEAL NO.994 OF 2024

The State of Maharashtra ... **APPELLANT**

VERSUS

Chandrasen Bhimrao Surwase & ors. ... **RESPONDENTS**

.....
Mr. S.D. Ghayal, A.P.P. for appellant – State
Mr. M.B. Ubale, Advocate for Respondent Nos.1 to 4
Mr. A.D. Ostwal, Advocate for Respondent Nos.5, 7 and 10
Mr. Abhay D. Otwal, Advocate with
Mr. Sunil Kaldade, Advocate holding for
Mr. P.N. Muley, Advocate for appellant
Mr. S.P. Chate, Advocate for Respondent No.8
Mr. N.B. Jadhav, Advocate for Respondent Nos.11 to 16
.....

WITH

CRIMINAL APPEAL NO.1040 OF 2024

Bhauasaheb s/o Limbaji Surwase ... **APPELLANT**

VERSUS

State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. G.K. Naik Thigle, Advocate for appellant
Mr. S.D. Ghayal, A.P.P. for appellant – State
Mr. B.B. More, Advocate for Respondent Nos.2 to 5
Mr. N.B. Jadhav, Advocate for Respondent Nos.6 to 12
Mr. A.D. Ostwal, Advocate for Respondent Nos.13, 15 & 17
Mr. Abhay D. Otwal, Advocate with
Mr. Sunil Kaldate, Advocate holding for
Mr. P.N. Muley, Advocate for appellant
Mr. S.P. Chate, Advocate for Respondent No.16

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

Date of reserving judgment : 17th December, 2024

Date of pronouncing judgment : 3rd January, 2025

OPERATIVE ORDER :

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

ORDER

(i) Criminal Appeals No.994/2024 and 1040/2024 preferred
by the State and brother of the victim respectively, are hereby
dismissed.

(ii) Criminal Appeal No.767/2018 filed by Vinod Madhukar
Ghige and Criminal Appeal No.768/2018 filed by Rajendra

alias Raju Murlidhar Ghige are allowed. The order of conviction and consequential sentence passed by learned Additional Sessions Judge, Beed, dated 10/4/2017, in Sessions Case No.94/2013, convicting these appellants for the offences punishable under Sections 302 read with Section 149 and for offences punishable under Sections 147 and 148 of the Indian Penal Code are hereby set aside. The appellants Vinod Madhukar Ghige and Rajendra alias Raju Murlidhar Ghige are acquitted thereof. Both of them be set at liberty forthwith if not required in any other case. Fine amount, if paid be refunded to them.

(iv) Criminal Appeal No.769/2018 filed by Tuljiram alias Bappa Ashok Vidyagar and Criminal Appeal No.770/2018 filed by Sudhakar alias Pintu Bhagwan Bhalerao are dismissed, with slightest modification in the operative order of the Trial Court, i.e. Section 149 is replaced by Section 34 for conviction of these appellants.

(v) Criminal Appeals No.224/2017 filed by Babu Limbaji Kale is dismissed. However, the conviction imposed upon him by the Trial Court is modified and he is convicted for offence

punishable under Section 302 read with Section 109 read with Section 114 of the Indian Penal Code. The sentence of life imprisonment against him to stand unaltered, maintaining the quantum of fine as well.

(vi) All the Criminal Appeals are disposed of in above term. Consequently, all pending Criminal Applications are disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-