

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 1848-1849 of 2017

VENKAT & ANR. Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR. Respondent(s)

WITH

Criminal Appeal No(s).1131-1132 OF 2015

SATISH & ANR. Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)

AND

Criminal Appeal No(s).1252 OF 2016

PRAKASH Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)

AND

Criminal Appeal No(s).1851 OF 2017

NAMDEO SHIVAJI PAWAR Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)

AND

Criminal Appeal No(s).1852 OF 2017

SHIVAJI KADAJI PAWAR Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)

O R D E R

We have heard learned counsel for the parties.

For the murder of one Gyandeo, on 9th January, 2008, as many as 35 persons were tried. The trial court convicted Shivaji s/o Kadaji Pawar (A-1) and Namdeo s/o Shivaji Pawar (A-13) under Section 302 of the Indian Penal Code, apart from conviction of 11 others for lesser offences. The High Court reversed the acquittal of Udhav s/o Shivaji Pawar (A-18) and Satish s/o Vaijinath Pawar (A-20) apart from confirming the conviction of Shivaji s/o Kadaji Pawar (A-1) and Namdeo s/o Shivaji Pawar (A-13).

We have perused the record. As far as Shivaji s/o Kadaji Pawar (A-1) and Namdeo s/o Shivaji Pawar (A-13) are concerned, the courts below have concurrently found them guilty, which is warranted by evidence on record. We do not find any ground to interfere with their conviction and sentence. Criminal Appeal No(s)1851 of 2017 and Criminal Appeal NO.(s).1852 of 2017 filed by Namdeo s/o Shivaji Pawar (A-13) and Shivaji s/o Kadaji Pawar (A-1) are dismissed.

However, with regard to Udhav s/o Shivaji Pawar (A-18) and Satish s/o Vaijinath Pawar (A-20), we are satisfied that acquittal by the trial court was a possible view and reversal thereof by the High Court was not called for. Their acquittal will stand restored. Criminal Appeal NO(s).1131-1132 of 2015 filed by Satish s/o Vaijinath Pawar (A-20) and Udhav s/o

Shivaji Pawar (A-18) are allowed. If in custody, they be released unless required in any other case.

As regards Venkat s/o Vajinath Pawar (A-25), Prakash s/o Kadaji Pawar (A-30) and Satish s/o Baburao Pawar (A-32) who are before us, have been convicted for lesser offences. They are said to have undergone approximately two and a half years. Their conviction is upheld. However, their sentence is reduced to the period already undergone by them. They be released from custody unless required in any other case. Criminal Appeal NO(s).1848-1849 of 2017, Criminal Appeal NO.1252 of 2016 filed by Venkat s/o Vajinath Pawar (A-25) & Satish s/o Baburao Pawar (A-32) AND Prakash s/o Kadaji Pawar (A-30) respectively are disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(NAVIN SINHA)

New Delhi,
March 15, 2018.

ITEM NO.105 COURT NO.11 SECTION II-A
 S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS
Criminal Appeal No(s). 1848-1849 of 2017

VENKAT & ANR.

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

WITH Criminal Appeal No(s).1131-1132/2015 (II-A)

Criminal Appeal No(s).1252/2016 (II-A)

Criminal Appeal No(s).1851/2017 (II-A)

Criminal Appeal No(s).1852/2017 (II-A)

Date : 15-03-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)
 (Crl.A.1848-49/2017,
 Crl.A.1131-1132/2015)

Mr. Sudhanshu S. Choudhari, AOR
 Mr. Vikram V.T. Patil, Adv.
 Mr. Shakul R. Ghatole, Adv.
 Ms. Surabhi Guleria, Adv.

(Crl.A.1252/2016,
 Crl.A.1851/2017,
 Crl.A.1852/2017)

Mr. Atul Babasaheb Dakh, AOR

For Respondent(s)

Mr. Nishant Ramakantrao Katneshwarkar, AOR
 Ms. Deepa M.K., Adv.

UPON hearing the counsel the Court made the following

O R D E R

In terms of the impugned order, Criminal Appeal No(s)1851 of 2017 and Criminal Appeal NO.(s).1852 of 2017 are dismissed, Criminal Appeal NO(s).1131-1132 of 2015 are allowed AND Criminal Appeal NO(s).1848-1849 of 2017 and Criminal Appeal NO.1252 of 2016 are disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
 COURT MASTER

(PARVEEN KUMARI PASRICHA)
 BRANCH OFFICER

(Signed order is placed on the file)