

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO 1645 of 2012

Nanabhau Malhari Kotkar

... Appellant

Versus

The State of Maharashtra

... Respondent

ORDER

- 1 This appeal is at the instance of a convict-accused for the offence punishable under Section 307 of the Indian Penal Code, 1860 (for short, the "IPC") and is directed against the judgment and order passed by the High Court of Judicature at Bombay, Bench at Aurangabad dated 2nd April, 2012 in Criminal Appeal No 14 of 2000 by which the criminal appeal filed by the appellant herein came to be dismissed thereby affirming the judgment and order of conviction passed by the 3rd Additional Sessions Judge, Ahmadnagar in Sessions Case No 122 of 1999 holding the appellant herein guilty of the offence punishable under Section 307 of the IPC.
- 2 We have heard Mr. Sanjay Hegde, the learned senior counsel appearing on behalf of the appellant and Ms. Rukmini Bobde, the learned counsel appearing on behalf of the State of Maharashtra.
- 3 It is not necessary for us to adjudicate this appeal on merits, more particularly, in light of the fact that the sentence imposed by the Trial Court is five years of rigorous imprisonment out of which the appellant herein has already undergone 27 months of sentence.

4 We take notice of the fact that the incident is of the year 1999. Almost 25 years have elapsed. In view of the aforesaid, we deem fit to reduce the sentence to the period already undergone while maintaining the conviction.

5 In the result, this appeal succeeds in part. While the conviction of the appellant for the offence under Section 307 of the IPC is maintained, the sentence is reduced to the period already undergone.

6 The bail bonds furnished by the appellant herein stand discharged.

7 Pending applications, if any, stand disposed of.

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
October 03, 2024
GKA

ITEM NO.104

COURT NO.10

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1645/2012

NANABHAU MALHARI KOTKAR

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

Date : 03-10-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) Mr. Sanjay Hegde, Sr. Adv.
Mr. Amol B. Karande, AOR
Mr. N Rao, Adv.
Mr. Omveer Chaudhary, Adv.

For Respondent(s) Ms. Rukhmini Bobde, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Ms. Soumya Priyadarshinee, Adv.
Mr. Vinayak Aren, Adv.
Mr. Amit Srivastava, Adv.
Mr. Amlaan Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 The appeal succeeds in part in terms of the signed order. While the conviction of the appellant for the offence under Section 307 of the IPC is maintained, the sentence is reduced to the period already undergone.
- 2 The bail bonds furnished by the appellant herein stand discharged.
- 3 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)