

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALS] NO.80 OF 2015

The State of Maharashtra	..Applicant
<i>Versus</i>	
Sachin Ankush Kale	..Respondent

....
Mr. A.R. Patil, APP, for the Applicant-State.

....

CORAM : A. R. JOSHI, J.

DATE : 4th SEPTEMBER, 2015

P.C.

1. Heard learned APP for the State on this application challenging the acquittal of the respondent in the matter of offences punishable under Sections 279, 337, 338 and Section 184 of Motor Vehicles Act.

2. During the trial of the respondent, only one witness was examined. He was the panch regarding the scene of offence. He did not support the case of the prosecution and further stated that even he has not signed on panchnama. Apart from said single witness, no any other witness was examined. Even the learned prosecutor then conducting the trial gave a

written application that another panch is not being examined as he is also not supporting the case of prosecution. In the impugned judgment and order there is nothing as to whether any steps were taken for securing presence of the complainant and his father, who suffered injuries while riding on a motorcycle when their motorcycle being driven by the father of the complainant was dashed by the Scorpio vehicle allegedly driven by the present respondent. The trial Court came to the conclusion as to non-establishment of any of the charges against the accused. This is rightly so in view of only single witness and that also hostile panch examined during the trial.

3. It must be mentioned that at this stage taking steps by the State Government challenging the order of acquittal of the respondent, had there been vigilance shown during the trial, it may have given different result in the matter. Apparently when only one witness was examined that also hostile panch, at least the investigating officer should have stepped into the witness box and could have produced certain material as to availability or non-availability of the complainant and his father, both the injured persons in the accident. But these steps are admittedly

not taken in the present matter and only an unwarranted attempt is being made by the State challenging said acquittal which is in fact a futile exercise taking time of the Court. In any event, there is nothing to entertain the present application for leave to file appeal and the same is accordingly dismissed and disposed of. The observations in the matter be brought to the notice of the Principal Secretary, Law & Judiciary Department to take remedial measures for the reason that the situation as arisen in the present matter shall not recur in future. Office to comply.

(A. R. JOSHI, J.)

Deshmane (PS)