

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.488/2015

(vikram s/o Ravindranath Singh ..vs.. State of Maharashtra, through PSO P. s.
Tiroda, Dist. Gondia and anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. S. Khandekar, Advocate for applicant.
Mr. Laddhad, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATE : SEPTEMBER 10, 2015.

By the present application, the applicant is challenging the judgment and order passed by the Sessions Judge, Gondia on 27.05.2015 by which he dismissed the Criminal Revision No.58/2014 filed on behalf of the present applicant and thereby confirmed the order passed by the learned Magistrate of Tiroda below Exh.-10, which was an application for discharge.

Heard learned counsel for the applicant. According to the learned counsel for the applicant, statements of witnesses and even the statement of the first informant show that dash was given by the Tata Sumo vehicle and thereafter he has changed the version and has narrated that it was a Maruti Zen car.

The FIR is lodged by Pramod Thombre. He was on his motorcycle bearing Registration No. MH-35/Q-3672 on 07.04.2010 when he along with

one Devram Motriam Choudhari were proceeding on the said two wheeler towards Tiroda. That time, one Tata Sumo having registration No. MH-34/K-3176 gave a dash from behind resulting into injuries.

According to the learned counsel for the applicant, all other witnesses also described the vehicle as Tata Sumo. Merely because the first informant described the vehicle as Tata Sumo that is not sufficient to discharge the burden when the first informant and other witnesses described the correct registration of the said vehicle as MH-34/K-3176, the said vehicle is Maruti Zen vehicle etc. Thus, prima facie material is available on record. No illegality is committed by any of the Courts below. Hence, the Criminal Application No.488/2015 is rejected.

JUDGE

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