

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2476 OF 2013
IN
CRIMINAL APPLICATION NO. 2475 OF 2013
WITH
CRIMINAL APPLICATION NO. 2475 OF 2013
(The State of Maharashtra Vs. Dharamsing alias
Dhananjaisingh Ramchandrasingh Thakur)

Mr. R.V. Dasalkar, A.P.P. for the applicant/State

CORAM : M.T. JOSHI, J.
DATE : 20/01/2016

ORAL ORDER :

1. Learned A.P.P. submits that instead of seeking fresh address of the respondent, both the present applications may be heard. At his request, both the applications are taken up for hearing.

2. Learned A.P.P. submits that the respondent was prosecuted for the offences punishable under section 304A and 279 of the Indian Penal Code. The learned Judicial Magistrate First Class has wrongly acquitted the respondent. The prosecution case would show that the respondent has driven the truck in question in rash and negligent manner, causing death of one lady. He,

therefore, submits that the leave to file an appeal may be granted, by condoning the delay.

3. Perused the reasoning forwarded by the learned Judicial Magistrate First Class. It would show that though the prosecution has examined in all seven witnesses, including the informant, none of the witnesses has uttered a sentence that the respondent was a driver of the said truck. In that view of the matter, in my view, the learned Judicial Magistrate First Class has taken reasonable and probable view of the material placed before him. There is no merit in the application for grant of leave to file an appeal. In the circumstances, the following order.

4. The application for condonation of delay is hereby dismissed. Consequently, the application for leave to file appeal does not survive and hence, the same stands dismissed.

[M.T. JOSHI]
JUDGE