

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL APPLICATION (apl) No. 532 OF 2015

Nakul Bhanuprasad Kadam

v.

State of Maharashtra & ors.

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

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 14th JANUARY, 2016.

Heard for some time. *Prima facie*, it appears that the applicant did emerge as driver of offending vehicle SCODA on 16.6.2014 and his name, therefore, could not have been mentioned in the F.I.R. drawn on 28.4.2013. However, it appears that his name appears in the F.I.R. allegedly drawn on that day. Applicant Nukul has produced before this Court copy of F.I.R. of the same day, which discloses his name as driver of offending vehicle SCODA.

In this situation, the Investigating Officer appears to have acted either carelessly or then with some oblique motive. In either case, victims of accident are bound to suffer.

Only to see that the victims of accident do not suffer and at the same time persons are not made to suffer by filing unnecessary litigation, we direct the Deputy Superintendent of Police, Darwha, to consider all papers. It is important to note that respondent no. 2 has claimed to be the driver of the said vehicle at the time of accident.

Hence, before recording of evidence begins and the situation becomes reversible either for the victim or the accused, we find it proper to direct the Dy.S.P., Darwha, to apply his mind and to take appropriate steps to see that the prosecution in the Court of J.M.F.C. Digra is not affected by any such error on the part of Investigating Officer.

We direct the said Dy.S.P. to complete the enquiry within a period of four weeks from the date of communication of this order to him and thereafter to take necessary steps, as are permissible in law as per its outcome. With these directions, criminal application is partly allowed.

JUDGE

JUDGE

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