

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1 OF 2017

The State of Maharashtra

....Applicant.

Vs.

Rohan Sharad Pawar

....Respondent.

Ms. V.S. Mhaispurkar, APP for the Applicant-State.
None for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 13th MARCH, 2018.

P.C.:-

This is an Application under Section 378 (3) of the Cr.P.C. for leave to file Appeal against the Judgment and Order dated 29th June 2016, passed by the Judicial Magistrate, First Class, Court No. 4, Pune in Summary Criminal Case No. 12995 of 2013, thereby acquitting the Respondent from the offences punishable under Sections 279, 337 of the Indian Penal Code and under Sections 119/177 and 134(b)/187 of the Motor Vehicle Act, 1988.

2 The perusal of record would indicate that the prosecution has failed to establish that, the Respondent was driving the motor cycle in such a manner, which would endanger the life of the public

walking on the street/road and has even failed to correctly mention the manner in which the Respondent was driving the motor cycle and its speed.

3 The evidence on record further indicates that the road, on which the Respondent was allegedly driving the motor cycle, was having sufficient crowd and it was very difficult for him to drive the motor-cycle at a high speed. As noted earlier, the prosecution has failed to prove the charges levelled against the Respondent beyond the reasonable doubt by adducing cogent and sufficient evidence.

4 After perusing the record, this Court is of the opinion that, the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case for grant of leave to file Appeal is made out.

5 Application is accordingly rejected.

(A.S. GADKARI, J.)