

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 13 OF 2018

The State of Maharashtra	...Applicant
<i>Versus</i>	
Rajesh Kundalik Auti	...Respondent

Mr. V. V.Gangurde, APP for the Applicant.

CORAM: A. S. GADKARI, J
DATED: 7th March, 2018

PC:-

1. This is an application under Section 378(3) of Criminal Procedure Code for leave to file appeal against the judgment and order dated 3rd January, 2017 passed by the learned Judicial Magistrate, First Class, Khadaki, District Pune, in S.C.C. No.1076 of 2014, thereby acquitting the respondent for the offence punishable under Section 304-A of the Indian Penal Code.
2. Heard the learned APP and perused the record.
3. It was the allegation against the respondent that the Respondent gave insufficient and/or negligent treatment to the deceased Priyanka at his hospital at Khadaki. Deceased Priyanka was suffering from intestinal pneumatics with

pulmonary oedema. The evidence on record indicates that the prosecution has failed to bring on record that the treatment given by the respondent was insufficient and he was so negligent that there was any nexus between the treatment given by the respondent and the cause of death of Priyanka. The evidence further indicates that in view of the circumstances placed on record by the prosecution, it is difficult to hold that the respondent acted negligently while treating deceased Priyanka for the symptoms stated by the first informant.

4. The Trial Court has acquitted respondent predominately on the aforesaid grounds. The view adopted by the Trial Court is a reasonable and probable, in the facts and circumstances of the present case. No case for grant of leave is made out.

5. The application is accordingly rejected.

[A. S. GADKARI, J.]