

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 3487 OF 2019

Deepak Sahebrao Manavatkar

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Ms. Swarali Joglekar i/b Mr. Mrishikesh Mundargi for the Petitioner.
Dr. F. R. Shaikh, APP for the Respondent-State.

CORAM : B. P. DHARMADHIKARI, A.C.J. &
N.R. BORKAR, J.

DATE : 5th MARCH, 2020.

P. C. :

1. Father of a victim of accident is before this Court submitting that police have not carried out proper enquiry. The contention is that offence under Section 304 (II) ought to have been registered and the circumstance that the driver of the offending bus fled away from the spot is itself sufficient for that purpose. Other submission is that the driver was at the time of accident while driving bus, speaking on mobile and therefore the offence under Section 304 (II) is made out. The Petitioner relies upon local enquiry made by him.

2. There is no document to substantiate the local enquiry. Police has already filed charge-sheet under Section 304-A of the IPC. The fact that the driver has fled away can be demonstrated before the trial Court requesting to apply appropriate sections on proved facts.

3. We, therefore, find no case is made out warranting intervention.
4. The Petition is accordingly rejected.

[N. R. BORKAR, J.]

[ACTING CHIEF JUSTICE]

Arjun M.
Kadam

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