

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPLICATION NO. 2389 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 216 OF 2022

DILWARSING RAMANSING PADVI
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. Ruchir Subodh Wani
APP for Respondent-State : Mrs. Geeta L. Deshpande
.....

CORAM : BHARAT P. DESHPANDE, J.
DATED : 28th JULY 2022

PER COURT:-

1. Heard.
2. The applicant was convicted by the J.M.F.C., Taloda in S.T.C.C. No. 13 of 2018 for the offence punishable under Section 279 of I.P.C. and sentenced to suffer three months simple imprisonment and to pay fine of Rs.1000/- and for the offence under Section 304-A of I.P.C. to suffer two years simple imprisonment and to pay fine of Rs.1000/-. The applicant was acquitted of the offences punishable under Sections 184, 133 r.w. 187 of the Motor Vehicles Act. The applicant challenged the said conviction in criminal appeal No. 16 of 2019, which was decided by the Additional Sessions Judge, Shahada vide judgment and order dated 6.7.2022 thereby confirming the sentence awarded by the trial court.
3. The learned Magistrate at Taloda tried the matter in connection

with Crime No. 182 of 2017 registered at Taloda police station against the applicant for the offences punishable under sections 304-A, 279, 337 of I.P.C. and Section 134 r.w. 187 and section 184 of the Motor Vehicles Act.

4. It is reported that learned J.M.F.C., Taloda, while deciding the case vide judgment and order of conviction dated 09.05.2019, has erroneously mentioned the case number as S.C.C. No. 180 of 2016.

5. Similarly it is also found in the judgment of the learned Magistrate at Taloda that vehicle number, though initially mentioned as "MH-20-BL-1389" driven by the present applicant, which is found at para 2, however, in the points framed at para 5, the vehicle number is found different as "MH-39-BL-1389". The same mistake is also found in the judgment passed by the Additional Sessions Judge, Shahada while framing point No. 1 in para 7 wherein vehicle number is shown as "MH-39-BL-1389".

6. Learned counsel for the applicant invited attention of this Court to the copy of F.I.R. dated 14.10.2017 wherein vehicle number is shown as "MH-20-BL-1389".

7. It clearly shows that the learned J.M.F.C. at Taloda and learned Additional Sessions Judge at Shahada failed to consider the proper registration number of the vehicle in their judgments and it is

clearly typographical errors which need to be corrected.

8. The applicant was on bail throughout and there is no report that he has violated the conditions of bail granted by the trial court.

9. Considering the grounds raised in the present revision, it needs to be decided at the stage of admission, the applicant is entitled for relief claimed as per prayer clause "B". Hence, the following order:-

O R D E R

- I. Criminal application stands allowed.
- II. The substantive sentence stands suspended till final decision of criminal revision application.
- III. The applicant shall be released on bail on furnishing P.R. bond of Rs.10,000/- with one solvent surety in the like amount to the satisfaction of first appellate court.
- VI. Criminal application stands disposed of.

10. Copy of this order be forwarded to the first appellate court at Shahada and learned Magistrate at Taloda with direction to correct the record as observed in this order to the extent of vehicle number and report compliance.

11. Learned counsel for the applicant has now pointed out that the charge sheet is filed before the learned J.M.F.C. Taloda on 14.10.2017 and it was numbered as Summary Case No. 13 of 2018. He also took out the print from website showing that the registration number of the case as Summary Case No. 13 of 2018 and learned Magistrate has erroneously mentioned the case number in the judgment as SCC No. 180 of 2016. He also pointed out that on the deposition of all witnesses, the learned Magistrate has recorded the case number as 13 of 2018 at the right side of top of the page.

12. Thus, there is no error on the part of learned Additional Sessions Judge at Shahada in mentioning the STCC No. 13 of 2018 in its judgment. The learned Magistrate at Taloda is therefore, directed to correct the case number in the impugned judgment and report compliance.

(BHARAT P. DESHPANDE, J.)

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