

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 1229 OF 2021

(Arpit s/o Pramod Ramteke ..vs.. The State of Maharashtra, through PSO, MIDC, Butibori, Nagpur and another)

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

Court's or Judge's orders

Mr. P.M. Sinha, Counsel for the applicant,
Mr. M.J. Khan, Addl.P.P. for non-applicant 1/State.

**CORAM : ROHIT B. DEO &
URMILA JOSHI-PHALKE, JJ.**
DATED : 18-10-2022

We are not inclined to interfere with the registration of the First Information Report by the Police Station, MIDC, Butibori, Nagpur for offences punishable under Sections 287, 338 and 304-A of the Indian Penal Code, for reasons briefly spelt out hereinafter.

2. The applicant is admittedly the Safety Officer of Sintex BAPL Limited, Nagpur. An accident occurred in the factory on 20-8-2021 in which a worker unfortunately lost his life. Perusal of the investigation papers, which are made available by the learned Additional Public Prosecutor Mr. M.J. Khan, reveals that statements of several workers are recorded, each of whom has blamed the applicant for the accident. The

accident occurred since the hosepipe of the machine came off since the clamp unlocked. The plastic powder which was being loaded spilt out and fell on the adjoining mould. Resultantly the plastic powder caught fire and Dinesh Bansod suffered severe burn injuries to which he ultimately succumbed. According to the statements of the witnesses, the applicant is responsible since there was no maintenance and supervision of the machine concerned nor did he ensure that adequate safety measures were in place.

3. The applicant has a counter narrative and claims that after he joined as Safety Officer on 17-7-2021, he sent an email to the Manager pointing out that certain safety precautions are necessary. We have perused the email and at least, at this stage, we are not in a position to connect the contents of the email with the accident. Be that as it may, at this stage, when the investigation is not complete and the charge-sheet is not filed, we would not venture to consider the defence. We must be necessarily confined to the first information report and the case of the prosecution.

4. We see no reason to interfere.
5. The application is dismissed.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO, J.)

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