



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO. 188/2023

Arpit Anilkumar Agrawal .vs. State of Maharashtra

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

Court's or Judge's orders

Mr. R. H. Rawlani, Advocate for applicant.
Mr. A. R. Chutke, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.

DATE : 21.08.2023

CRIMINAL APPLICATION NO.287/2023

Heard.

The applicant/original accused no.3 is seeking to suspend the sentence imposed by Judicial Magistrate First Class, Nagpur vide judgment dated 20.06.2022 passed in Regular Criminal Case No.642/2020 and upheld by the learned Additional Sessions Judge – 11, Nagpur vide judgment dated 14.08.2023 in Criminal Appeal No.154/2022. The applicant has been convicted for the offence punishable under Sections 304-A and 283 of the Indian Penal Code, 1860 (IPC). The maximum punishment awarded is three months simple imprisonment. The applicant was working as Engineer with M/s. CEINSYS Technical Ltd. The unfortunate incident occurred on 22.04.2019 in front of Dena Bank, Opposite C.A. Road, Nagpur. The work of laying underground cable of MSEDCL was in progress. The work contract was given to M/s. CEINSYS Technical Ltd.

A heap of excavated soil of trench was partly placed on said road. One Prashant, working with Zomato company was going by his Activa scooter. The scooter got skidded and he fell down on the road. Accused no.1 who was driving a tipper from the backside, ran it over Prashant, causing him fatal injuries.

The accusation against the applicant is that he was supervising the excavation works. The evidence led before the trial court, prima facie, indicates that an engineer belonging to M/s. CEINSYS Technical Ltd. was responsible for supervision over the work of execution. The evidence, on the point that accused no.3 was responsible for supervision, appears to be lacking.

Considering the above and since the applicant was on bail pending trial as also pending appeal, the applicant has made out a case for suspension of sentence. Hence, following order.

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence imposed upon the applicant by judgment and order dated 20.06.2022 passed by learned Judicial Magistrate First Class (Court No.3), Nagpur in Regular Criminal Case No. 642/2020, for the offences punishable under Sections 304-A, 283 and 166 of the Indian Penal Code, 1860 is hereby suspended.
- (iii) Applicant – Arpit Anilkumar Agrawal, shall be released on bail on he furnishing P.R. bond in the sum of

Rs.25,000/- with one surety in the like amount before the lower Court.

(iv) The applicant shall remain present before this Court at the time of final hearing of the revision application.

The application is disposed of.

List the revision application on 24.08.2023.

(Anil L. Pansare, J.)

Kahale