



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 CRIMINAL APPLICATION NO. 2257 OF 2023

RAJU KASHINATH RATHOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Gandhi Amol Subhash

APP for Respondents/State : Mr. S.V. Hange

CORAM : MANGESH S. PATIL &
R. M. JOSHI, JJ.

DATE : 06.02.2024

PER COURT :

Heard both the sides.

2. The applicant is seeking quashment of Crime No.46/2022 registered with Shevgaon Police Station, District Ahmednagar, for the offences punishable under Sections 304A, 279, 337, 338 of the Indian Penal Code and 134-A, 134-B, 184, 177 of the Motor Vehicle Act together with the charge-sheet and the criminal case bearing S.C.C. No. 307/2023 pending before the Judicial Magistrate, First Class, Shevgaon, District Ahmednagar.

3. The learned advocate for the applicant takes us through the charge-sheet and submits that the F.I.R. has been lodged belatedly. There are no eye witnesses and the applicant is being falsely implicated with an ulterior motive to stake claim for damages under the Motor Vehicles Act.

4. The learned A.P.P. opposes the application.

5. Though belatedly lodged, the F.I.R. reads that the incident had taken place on 07.01.2022 at around 10.30 p.m. in the yard of a sugar factory

wherein the deceased was allegedly knocked down by a tractor with a trolley bearing the specific number mentioned in the F.I.R. Obviously, since there was delay in lodging the F.I.R. itself, nothing could be traced at the spot. It was a yard of a sugar factory wherein several such tractors were moving or were parked.

6. However, conspicuously, statements of the witnesses have been recorded under Section 161 of the Code of Criminal Procedure. There are at least three to four witnesses who have expressly vouched for having seen the accident and the deceased having been knocked down by the tractor specifically mentioned with number in the F.I.R.

7. This is not a stage to undertake any threadbare scrutiny of the material collected by the investigating officer. This being a proceeding under Section 482 of the Code of Criminal Procedure for quashment of crime, we cannot, under the guise, undertake a mini-trial. At this juncture, availability of eye witnesses specifically identifying the tractor is sufficient to reveal petitioner's complicity. We are not inclined to entertain the application.

8. The Application is rejected.

(R. M. JOSHI, J.)

(MANGESH S. PATIL, J.)

mkd/-