

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISION APPLICATION NO. 104 OF 2024

Dharmendra Yugalkishor Jha

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms. Priyanka H. Chavan	Advocate for the Applicant
Mr. Y. Y. Dabke	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 10th APRIL 2024

P. C. :-

1. Heard learned Advocate Ms. Chavan for the Applicant-accused No. 2 and learned APP.
2. Urgent circulation is granted because now matter is listed before the Court of the Additional Sessions Judge, Vadgaon, Maval on 12/04/2024 and for some reason or other, ad-interim relief granted on 01/02/2024, thereby exempting the Applicant from appearing before the trial Court could not be continued.
3. Learned Advocate Ms. Chavan apprised me about the allegations from the summary of the charge-sheet. It is on page no. 48. There are

two accused persons. One is accused No. 1- Rajiv Choudhari, who is driver and accused No. 2-Dharmendra who is present Applicant.

4. The allegations from the summary of the charge-sheet against the present Applicant is in spite of the knowing that accused no. 1 was not holding valid driving license to drive heavy vehicles (it is claimed that he was possessing the license to drive light motor vehicles), the present Applicant allowed him to drive maxi truck and he drove the truck rashly and negligently and entered into procession and thereby instrumental in causing the death of the five persons and causing injuries to 22 persons.

5. The present Applicant moved discharge application before the trial Court and it was rejected, at page no. 25. The contention is considering the materials collected during investigation, invocation of Section 304 of Indian Penal Code is not justified against the present applicant.

6. Let learned APP to go through the papers and to address the Court on this aspect on the next date. Even he is at liberty to take instructions from the concerned Police Station.

7. The present Applicant is also driver and arrest form is on page

no. 369. His permanent address is shown as 'Bihar'. Whereas his current address shown as 'Wagholi, Taluka Haveli, District Pune'. Already interim protection is there, it can be continued with slight modification.

8. The present Applicant can be asked to remain present before the trial Court with a direction not to frame the charge. This modification is required because if the earlier protection will be continued, one does not know whether the Applicant will attend the trial in future because he is driver. In view of that following order is passed:-

ORDER

- a) Let the trial Court not to frame charge till next date.
- b) The Applicant to remain present on the date fixed by the trial Court punctually.

9. Matter be kept on **02/05/2024, high on board.**

[S. M. MODAK, J.]