

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

SATISH
RAMCHANDRA
SANGAR

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2024.07.06
18:47:30 +0530

CRIMINAL REVISION APPLICATION NO. 226 OF 2024

Sumer Dharmesh Merchant ...Applicant

vs.

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION (ST) NO. 13327 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 226 OF 2024

Vijay Ramakrishnan ...Applicant

In the matter between:-

Sumer Dharmesh Merchant ...Applicant

vs.

The State of Maharashtra ...Respondent

Ms.Anjali Patil:-	Advocate for Applicant in Revision Application.
Mr.Hemant Ingle a/w Mr.Prashant Goyal, Ms.Jasmeet Kaur and Mr.Samrat Ingale, Mr.Vedang Deshpande i/b. Mr.Pratik Ingle:-	Advocate for Applicant in Interim Application.
Mr.A.S.Gawai:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 2nd JULY 2024

P. C. :-

1. Learned Advocate Ms.Anjali Patil is busy before the Division Bench.
2. The prosecution is under Section 304(2/II) of the Indian Penal Code, 1860 ("IPC"). The First-Informant also wants to intervene in this proceeding. The Interim Application is under scrutiny. The Applicant wants to go on with the matter.
3. Keep the matter at **2.30 p.m.**

Later on:-

INTERIM APPLICATION (ST) NO. 13327 OF 2024

4. Heard learned Advocate for the First-Informant, learned Advocate for the Applicant-Accused and learned APP.
5. The Applicant-First Informant is the husband of the deceased.
He is at liberty to intervene in the matter.
6. In view of that, **Interim Application stands disposed of.**
7. Let copy of the Revision be served to him.

CRIMINAL REVISION APPLICATION NO. 226 OF 2024

8. Heard learned Advocate Ms.Anjali Patil for the Applicant.
9. He is prosecuted for the offences under Section 304 of the Indian Penal Code 1860 (“IPC”), under Section 184 of the Motor Vehicles Act, 1988 (“MV Act”) and under Section 3 of the Prevention Of Damage To Public Property Act, 1984 (“PDPP Act”). He applied for discharge. It was rejected.
10. Learned Advocate Ms.Patil made two-fold submission:-
 - (a) Section 304, Part II of IPC is wrongly invoked on factual aspects. She invited my attention to the following documents including:-
 - (i) The FIR,
 - (ii) Spot Panchnama,
 - (iii) Statement of the so-called witnesses,
 - (iv) Statement of the occupants in the car,
 - (v) Correspondence made with the Company in order to ascertain the speed,
 - (vi) Various correspondence about examination of blood and urine of the Applicant.
11. She relied upon the following judgment:

(i) *Salman Salim Khan v/s. The State of Maharashtra*¹

12. Whereas, learned Advocate for the First-Informant who is the husband of the deceased, relied upon the judgment in case of *Alister Anthony Pareira v/s. State of Maharashtra*².

13. For hearing the parties on the point of law and factual aspect, stand over to **30th July 2024**. To be listed “**High on Board**”.

[S. M. MODAK, J.]

1 Criminal Appeal No. 572 of 2015 : 10th December 2015 : Bombay High Court

2 2012 AIR (SC) 3802