

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.363 OF 2024
WITH
INTERIM APPLICATION (ST) NO.15128 OF 2024

SATISH
RAMCHANDRA
SANGAR

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Sambhaji Bhagwan Bade

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Vikrant Khare a/w Mr.Pratik Sabrad, Mr.Sarvesh Deshpande, Mr.Aniket Shitole:-	Advocates for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 19th JULY 2024

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.
2. The Applicant is convicted for rash and negligent driving and for causing death of one of the occupant in the tempo and one pedestrian, even one bullock was killed.
3. There were 5 witnesses. They are as follows:-
 - (i) PW No.1 – **Devram Nagu Patil** – Eye witness to the accident.

- (ii) PW No.2 – **Balaji Ganpat Patil** – Witness in inquest panchnama.
- (iii) PW No.2 – **Ulhas Gopal Mhatre** – Spot panch.
- (iv) PW No.4 – **Pandurang Gosavi Thakur** – Eye witness to the accident.
- (v) PW No.5 – **Phulchand Bhagwan Mengde** – First Informant and Investigation Officer.

4. Out of them, PW No.1 and PW No.4 are the eye witnesses. They do not know who were driving the tempo.

5. Learned Advocate wants to make an issue of this admission. However, learned APP pointed out that the fact of driving by the Applicant is not denied. He invited my attention to the following facts:-

- (a) The line of cross-examination of the Investigating Officer - Phulchand Bhagwan Mengde – PW No.5.
- (b) The medical certificate of the present Applicant admitted during evidence.

6. According to learned APP, the identity of the driver of the tempo is established. The trial Court has taken a lenient view. According to learned APP for the Applicant, after the injury, the Applicant is suffering from mental ailment and that certificate was produced before the trial Court and referred also. He seeks time to produce its copy.

7. In view of that, let matter be kept on **31st July 2024**.

[S. M. MODAK, J.]