

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

**CRIMINAL REVISION APPLICATION NO.363 OF 2024
WITH
INTERIM APPLICATION NO.3001 OF 2024**

SATISH
RAMCHANDRA
SANGAR

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Date: 2024.08.02
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Sambhaji Bhagwan Bade

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Vikrant Khare a/w Mr.Sarvesh Deshpande and Mr.Siddharth Gharat:-	Advocates for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 2nd AUGUST 2024

P. C. :-

1. I have heard learned Advocate for the Applicant-Accused and learned APP.

2. Learned Advocate for the Applicant relied upon copy of medical certificates annexed to the Application for cancellation of warrant made before the JMFC – Pen. On the point of rashness and negligence, he relied upon the judgment in case of *State of Maharashtra v/s. Shaikh Jabbarlal Mohamad*¹.

¹ 2020 SCC OnLine Bom 385

3. There are 5 witnesses examined. There are 2 witnesses on the point of incident. They are:-

(i) PW No.1–**Devram Nagu Patil**.

(ii) PW No.4–**Pandurang Gosavi Thakur**.

4. The Applicant claims that from their evidence, the identity of the driver is not established. Whereas, the prosecution claims that he is also injured in that incident and he has admitted these injury certificates. In all, there are 6 injured persons. One of them, is the Applicant. All the injury certificates are admitted by the Applicant.

5. The issue in this Revision is, about an identity of the driver. The Applicant was a driver of the tempo and he gave a dash to a bullock and a person walking along with the bullock. The said person and bullock died, so also, one person from that tempo died.

6. It is true that in traffic offences, the principle '*res ipsa loquitor*' is applicable. Entire record is not before us. It is contended that in the trial Court judgment, there is no reference of panchnama carried out about the damage to the tempo. So, let us call the **Record and Proceeding** of the R. C. C. No.28 of 2012 wherever it is lying, either before the Court of Judicial Magistrate First Class – Pen or the Court of Additional Sessions Judge – Alibag.

7. The Registrar (Judicial-I) is directed to pay personal attention while calling the **Record and Proceeding**. It is for the reason that sentence is 3 months and the Applicant has already undergone the sentence for 1 month and 8 days. So, **Record and Proceeding be called immediately.**
8. In view of that, stand over to **14th August 2024**. To be listed “**High on Board**”.
9. Writ be sent to the Appellate Court – Alibag because the Record is lying there.

[S. M. MODAK, J.]