



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO.442 OF 2022

DR. PRITI VIKAS BHUTE

VS

THE STATE OF MAH. THR. PS DHANTOLI NAGPUR AND ANOTHER

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. A.A. Ade, h/f Mr. S.M. Bhangde, Advocate for the applicant/s
Mr. M.J. Khan, APP for the non-applicant No.1/State
Ms Parita Lakhani, Advocate for the non-applicant No.2

CORAM : ANIL S. KILOR, J.

DATE : 20th FEBRUARY, 2025

1. The mother of the deceased, i.e. the informant, who lodged FIR vide Crime No.313 of 2014 for the offence punishable under Section 304-A of the Indian Penal Code on finding that the applicant has not been charge-sheeted, moved an application to implicate the applicant in the alleged offence.
2. The said application came to be allowed by issuing summons to the applicant/Dr. Priti Vikas Bhute, on 06.09.2018. The said order of issuance of summons was the subject matter of challenge in Criminal Revision Application No.350 of 2018 before the Additional Sessions Judge, Nagpur.
3. The Revisional Court vide order dated 15.11.2021 rejected the revision, which gave cause to the applicant to approach this Court by way of present writ petition.
4. It is the case of the prosecution that the daughter of

the informant was suffering from mental disorder, namely *Schizophrenia* and therefore, she was admitted in the hospital of the applicant in Nagpur Parivartan Manorugnalaya for medical treatment. On 20.11.2014, the deceased committed suicide by jumping from unprotected window of 4th floor of the said hospital and therefore, the FIR was lodged against Dr. Vikash Bhute as well as the applicant.

5. The applicant was not charge-sheeted even though the said hospital was registered in her name and therefore, the application to implicate her in the offence, was moved before the trial Court. The trial Court allowed the said application by issuing summons against the present applicant. In the appeal, the Revisional Court found the order of the trial Court is just and proper by recording the reasons in paragraph 13 to 16, which are reproduced herein under:

“13. Indeed, the admission given by Dipjyoti Taware in her cross-examination and the undertaking at Exh.18 show that before admitting Kalyani Taware in Nagpur Parivartan Manorugnalaya, she had given an undertaking that she would not leave the patient alone, but the recitals in the FIR at Exh.16 and her evidence go to show that the applicant and Dr Vikas Bhute had not permitted her to stay in the hospital for taking care of her daughter Kalyani and asked her to visit the hospital fortnightly to meet Kalyani.

14. Even assuming for a moment that the informant Dipjyoti Taware had failed to take care of her daughter Kalyani as per the undertaking given by

her at Exh.18, it does not relieve the applicant and Dr Vikas Bhute of their responsibility to take reasonable precautions for the safety of patients admitted in their hospital. The fact that they were running a mental hospital in a building which was under construction without taking the required safety precautions to avoid untoward incidents by itself is sufficient to draw prima facie inference about their negligence.

15. The evidence transpired on prima facie shows that the deceased Kalyani was suffering from schizophrenia and had a habit to attempt committing suicide. Under these circumstances, it was the duty of the applicant and Dr Vikas Bhute to ensure that she was under continuous observation while she was admitted to their hospital. However, she was admitted on the 4th floor of Nagpur Parivartan Manorugnalaya where even safety grills or glasses were not fixed to the windows. The said fact is sufficient to draw prima facie inference about the culpable negligence of the applicant and Dr Vikas Bhute.

16. The learned Judicial Magistrate after taking into consideration the evidence collected by the investigating officer during the investigation and the evidence adduced during the trial has rightly issued a process against the applicant. There is no illegality in the impugned order dated 06.09.2018. Consequently, no inference is required in the impugned order. Accordingly, I hold that the application is liable to be dismissed ...”

6. Having gone through the record and the oral evidence of the informant, I am of the opinion that the reasons recorded by the Revisional Court, are just and proper and there is no perversity committed by the Revisional Court in rejecting the revision application.

7. In the circumstances, as there is no merits in the

present writ petition, the petition is **dismissed**.

(ANIL S. KILOR, J.)