



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

**CRIMINAL APPLICATION (APL) NO. 1483 OF 2023**

Sau. Pragati W/o. Bhaskar Darne,  
Aged about 45 years, Occupation : Housewife/  
Business, R/o. Sambhaji Nagar, Yavatmal,  
Tahsil and District : Yavatmal.

.... **APPLICANT.**

**// VERSUS //**

1. State of Maharashtra,  
Through Police Station Officer,  
Sindhkhedraja, District : Buldana.
2. Sandeep Maroti Rathod,  
Aged about 31 years, Occu.: Conductor  
Private Bus, R/o. Anand Nagar Ward No.2,  
Tiwsa, Ladheda, Tahsil and Dist. Yavatmal.

.... **RESPONDENTS.**

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Shri M.P.Kariya, Adv. a/w Ms P. Lakhani, Adv. for Applicant.  
Shri Amit Chutke, A.P.P. for Respondent No.1/State.  
Shri Rajwardhan S. Gade, Advocate for Respondent No.2.

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**CORAM : ANIL S. KILOR AND  
VRUSHALI V. JOSHI, JJ.**

**DATED : JUNE 16, 2025.**

**ORAL JUDGMENT** : (Per : Anil S. Kilor, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard by consent of  
the learned counsel for the parties.

3. By way of present application under Section 482 of the Code of Criminal Procedure a prayer is made for quashing and setting aside the Charge-Sheet No.48 of 2023, dated 27/09/2023 arising out of First Information Report No.140 of 2023, registered with Police Station Sindhkhedraja, for the offences punishable under Sections 109, 279, 304, 337, 427 of the Indian Penal Code read with Sections 184 and 185 of the Motor Vehicles Act, 1988.

4. This matter pertains to an unfortunate incident which took lives of 25 persons. The allegations in the present matter are against the driver who was in an inebriated condition and was driving the bus in which the deceased passengers were travelling. The bus gutted in fire and 25 persons died.

5. Initially, the crime in question i.e. F.I.R. No.140 of 2023 dated 01/07/2023 was registered with Police Station, Sindkhedraja, District : Buldana against the driver Sheikh Danish Sheikh Israil for the offences punishable under Sections 279, 304-A, 337 and 427 of the Indian Penal Code. However, subsequently the applicant, who is owner of the bus which met with an accident impleaded as accused.

6. It is the case of the prosecution that the Deputy Regional Transport Officer ("RTO" for short) on 24/07/2023 issued a letter to the Sub-

Divisional Police Officer, Mehkar, District : Buldana informing that since the applicant being owner did not take care while appointing the driver that he should not be a drunkard. Hence, the applicant has committed the offence.

7.           Though argued that she abetted the offence, there is no material suggesting that the applicant either instigated or aided the accused in commission of the alleged offence.

8.           The complainant, who is a Cleaner and was travelling in the said bus along with the accused-driver, says that the offence was registered on his complaint and he never made any grievance against the present applicant.

9.           In that view of the matter, we are of the opinion that the contents of the letter issued by the RTO requesting the police to implead the applicant does not attract any offence against the applicant, as alleged.

10.          In the circumstances, we are of the opinion that it would be an abuse of process of law if the applicant is forced or compelled to face the trial. Accordingly we pass the following order :

- i)    The Criminal Application is allowed.

- ii) The Charge-Sheet No.48 of 2023, dated 27/09/2023 arising out of First Information Report No.140 of 2023, registered with Police Station Sindhkhedraja, for the offences punishable under Sections 109, 279, 304, 337, 427 of the Indian Penal Code read with Sections 184 and 185 of the Motor Vehicles Act, 1988 is hereby quashed and set aside.

Rule is made absolute accordingly.

(VRUSHALI V. JOSHI, J)

(ANIL S. KILOR, J)

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