



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO. 2235 OF 2024

SACHIN TANAJI KATHEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Sachin Subhash Panale, Advocate for Applicant

Mr. V. V. Jahagirdar, APP for the Respondent/State

Mr. D. R. Jethliya, Advocate for Respondent No.2.

CORAM : RAJNISH R. VYAS, J.

DATE : 26th MARCH, 2026

PER COURT :-

1. The present application filed under Section 482 of the Code of Criminal Procedure challenges the registration of First Information Report No. 136/2023, dated 13.06.2023, with Wadwana Police Station, District Latur for commission of offence punishable under Sections 308 read with 34 of the Indian Penal Code and consequential proceedings R.C.C. No. 464/2023 pending before the JMFC, Udgir, District Latur and order taking cognizance.

. The applicant is shown as accused No.3 in the first information report. Since during the pendency of the application, charge was also framed vide order dated 24.12.2025, same is also challenged.

2. In short, it is the case of the prosecution that present applicant

was working as a operator with MSEDCL on a contractual basis. It is the case of the prosecution that on 17.05.2023 injured/informant by name Rukhmaji Govind Telange, who used to work in a agricultural field, was called by one Gramsevak Pralhad Maroti Nakure and asked to meet a lineman by name Mr. Bhalekar. Mr. Bhalekar/lineman is shown as accused No.1 in the first information report.

3. It was alleged in the first information report that when the injured/Rukhmaji Telange went in a agricultural field at that time lineman Mr. Bhalekar/accused No.1 and assistant Mr. Kore/accused No.2 were present there. Both of them told the injured that, since the electricity supply needed to be restored, certain repairs is to be undertaken. The injured then was directed to climb on the electricity pole. At that stage, the injured suffered an electric shock, due to which he sustained serious injuries.

4. On the basis of aforesaid allegations, offence under Section 308 read with 34 of IPC was registered against all three accused. As already stated, the present applicant was shown as accused No.3. After committal of case to the Sessions Court on 24.12.2025, charge is framed against all the accused with the aid of Section 34 of IPC.

5. In the aforesaid background, learned Advocate for the applicant

has contended that the present applicant is not at all involved in the commission of crime. He submits that the applicant was not even present on the spot and he was not aware about the actual incident. According to him, the material brought on record is not enough to attract ingredients of offence punishable under Section 308 of IPC. Per contra, learned Advocate for non applicant No.2/injured has fairly stated that, though his client received a substantial amount by way of compensation, the matter still may be decided on merits. Even non applicant No.2 who is identified by the learned Advocate, who is present in the Court has submitted that he has received a substantial amount towards compensation from present applicant and has no grievance so far as present applicant is concerned. He further submitted that the prosecution was lodged against applicant under misconception and he has no objection if it is quashed qua the applicant.

6. Further, learned APP has contended that it was due to the negligent act on the part of the applicant that the informant sustained serious injuries. According to him, though the applicant was not authorized to grant permission for the total closure of electricity supply or same was done, which has resulted into the unfortunate incident.

7. With the help of respective learned Advocates, I have gone through the record of the case. It is undisputed that charge is framed, but it needs to be noted that charge was framed during the pendency of present application and the application is also amended. The applicant was shown as accused No.2 in a charge below Exhibit 3 dated 24.12.2023. The parameters of quashment for exercising powers under Section 482 of Cr.P.C. are clearly laid down by the Hon'ble Apex Court in case of ***State of Haryana and others Vs. Bhajan Lal and others, 1992 Suppl (1) SCC 335.***

8. The final report clearly shows that it was a Gramsevak by name Pralhad Martoi Nakure who had called the injured, Rukhmaji Telange, to the agricultural field since Mr. Bhalekar and Mr. Kote had asked him to do the same. When the informant reached the agricultural field, it was co-accused Bhalekar/lineman, co-accused Kore/assistant, who had asked the injured to climb on the electricity pole and carry out necessary repairing work. No specific role has been assigned to the applicant in the first information report except making a statement that it was the co-accused and present applicant, who was working as operator, were responsible for the incident. Learned Advocate for the applicant has rightly invited my attention to the query answered by the Deputy Executive Engineer, Udgir Gramin Sub Division dated 14.08.2023, more particularly question No.4 and contended that if the answer

to said query is perused it can be stated that for obtaining permit, the permission of on duty machine operator is required and since the said work is of routine nature, permission of Junior Engineer is not required. In answer to question No. 7, it is stated that it cannot be ignored that the present applicant/machine operator and lineman were responsible. He submitted that, if the query report is read holistically, it would reveal that though the applicant was the machine operator, permission from the Junior Engineer was not required.

9. At this stage, it is necessary to mention here that it is nowhere stated that the applicant was not authorized to issue the permit. On the contrary answer to question No.4 clearly shows that the permit/permission is required to be taken for carrying out work of 11 KV line from on duty machine operator.

10. Apart from this, the question is whether criminal liability can be attributed to the applicant or not?

11. The contention of the learned APP that the communication dated 14.08.2023 is not the only document, but there is a specific communication dated 08.05.2023 issued by the Junior Engineer, MSEDCL Rural Unit to the present applicant, which clearly shows that the precautions were required to

be taken while carrying out the repairing work. It was further stated in the said communication that no work be done with the help of unauthorized person, else the offence would be registered. The question before this Court is not regarding the interpretation of communication dated 08.05.2023 and 14.08.2023. The present applicant has issued a permit dated 17.05.2023 for “11 KV Wadawana feeder H/T”. It is not even the case of the prosecution that the applicant was aware that injured would climb on the electricity pole and would carry out the work of repairing. Thus, neither intention nor knowledge can be attributed to the present applicant. At this stage, it is necessary to mention here that the applicant had neither asked said injured to carry out the repairs or the co-accused to complete the work in the unauthorized manner. In absence of positive act on the part of the applicant or a knowledge that the co-accused would take help of unauthorized person, the applicant cannot be prosecuted. The act of issuing permit dated 08.05.2023 also cannot be called as an illegal act.

In that view of the matter, following order is passed:

ORDER

- (i) Criminal Application is allowed.
- (ii) FIR No. 136/2023, dated 13.06.2023, registered with Wadawana Police Station, District Latur for commission of offence punishable under Section 308

read with 34 of the Indian Penal Code and consequential proceedings R.C.C. No. 464/2023 pending before the JMFC, Udgir, District Latur and order taking cognizance dated 13.12.2023 so also framing charge dated 24.12.2025 in Sessions Case No.49/2025 are quashed and set aside, so far as applicant is concerned.

(iii) Application is disposed of accordingly.

(RAJNISH R. VYAS)
JUDGE

ssp