IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 681 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 97 OF 2026

Vaibhav Nandkumar Shingare ...Applicant

Versus

The State Of Maharashtra ...Respondents

Mr. Ranjeet Hambirrao Patil a/w Mr. Dhavalsinh Patil, Mr. Shubham Waghmare, for the Applicant.
Mr. S. H. Yadav, APP for the State

CORAM : SHARMILA U. DESHMUKH, J.
DATE : OCTOBER 30, 2026

P. C. :

1. The interim application seeks suspension of the substantive sentence imposed by the judgment and order dated 30th August 2019 passed by Judicial Magistrate First Class, Jaysingpur in SCC No. 292 of 2015, by which the Applicant came to be convicted for offences under Section 279 and sentenced to three months of rigorous imprisonment, under Section 304A for rigorous imprisonment for six months, and fine of Rs. 1000/- under Section 184 of the Motor Vehicles Act, 1988. The Appeal preferred before the Addl. Sessions Judge came to be dismissed vide judgment and order dated 21st October, 2026.

2. The case of the prosecution is that on 12th June 2015 at about 3:15 p.m., the Applicant drove a Maruti Omni vehicle in a rash and negligent manner on the Shirol-Jaysingpur road and dashed a pedestrian, causing grievous injuries and resulting in his death. C.R. No. 44 of 2015 came to be registered for the alleged offences under Sections 279, 304A, 337, 338, 427 of the Indian Penal Code, 1860 and under Section 184 of the Motor Vehicles Act, 1988. On completion of the investigation, charge-sheet came to be filed and by the impugned judgment and order, the Applicant came to be convicted.

3. Learned counsel appearing for the Applicant would point out the testimony of PW-1, stated to be the eyewitness. Taking this Court through the evidence of PW-1, he submits that PW-1 had not witnessed the incident, and after hearing a loud sound, PW-1 saw that the deceased was dashed by the Applicant's vehicle. He would further point out that in the cross-examination, PW-1 has admitted that he was not aware of the speed at which the vehicle was being driven, that at the time of the incident, the witness was seeing the work of repair of his vehicle, and only after hearing the sound, PW-1 saw that the deceased was lying in front of the vehicle.

4. Learned APP would submit that PW-1 has deposed that the Applicant was driving the vehicle at a high speed and the accident has taken place due to the negligence of the Applicant. He would further

point out the post-mortem report and that the cause of death is due to polytrauma caused by a number of grievous injuries. He would further point out that there was a linear fracture to the skull.

5. PW-1 has deposed that the deceased was crossing the road and the Applicant's vehicle had dashed him. He has admitted in the cross examination that at the time of the alleged incident, he was engrossed in witnessing the repair of his vehicle and after hearing the sound, he saw that the deceased was lying in front of the vehicle. He has admitted that he is not aware of the speed at which the vehicle was being driven.

6. PW-2 has admitted in cross examination that after hearing the sound, he looked in the direction of the sound. He has admitted that he has not witnessed the deceased crossing the road. *Prima facie* PW-1 and PW-2 has not witnessed the actual incident.

7. PW-5 has deposed about the vehicle proceeding towards Jasinghpur from Shirol and that the vehicle dashed the deceased. He has admitted that he has not seen the person who was driving the vehicle. PW-5 has not deposed about the vehicle being driven in a rash and negligent manner. PW-6 has admitted in the cross examination that he is not aware as to whether the vehicle was being driven in rash manner. *Prima facie* there is no evidence to show that the vehicle was being driven in a rash and negligent manner.

8. The Applicant is an agriculturist and was on bail during the trial

and appeal proceedings. There are no criminal antecedents. Hence the following order is passed:

O R D E R

I. The Interim Application is allowed.

II. The substantive sentence imposed by the Judgment and Order dated 30th August 2019 passed by Judicial Magistrate First Class, Jaysingpur in SCC No. 292 of 2015 is suspended and the Applicant is enlarged on bail on furnishing a P.R. bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.

III. The Applicant shall cooperate in the hearing of the revision application and remain present on all dates of hearing of the revision application.

[SHARMILA U. DESHMUKH, J.]