



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

CRIMINAL APPLICATION (APL) NO. 907 OF 2024

APPLICANT :- Kiran Balkrushna Rokade,
(Accused) Aged about 49 years, Occu: Labourer,
R/o Mauli, Babhulgaon,
Tq. Babhulgaon, District Yavatmal.

..VERSUS..

NON- :- 1) The State of Maharashtra,
APPLICANTS through Station House Officer,
P.S. Babhulgaon, Tq. Babhulgaon,
District Yavatmal.
(Complainant) 2) Sanjay Panditrao Bhujade,
Aged about 41, Occu- Service,
R/o Police Station Babhulgaon,
Tq. Babhulgaon, District Yavatmal.
(Original 3) Smt. Vandana Prashant Dhone,
Complainant) Aged about Adult, Occu: Housewife,
R/o Dehani, Tq. Babhulgaon,
District Yavatmal.

Mr. V.D. Darne, counsel for applicant.
Mr. G.S.Umale, APP for non-applicant No.1/State.

CORAM : **PRAVIN S. PATIL, J.**
DATE : **03/02/2026**

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of

Mr. V.D. Darne, counsel for applicant and Mr. G.S. Umale, learned APP for non-applicant No.1/State, the application is taken up for final hearing at the stage of admission.

2. By this application, the applicant seeks to quash and set aside the Sessions Case No. 15 of 2025, pending before the learned Sessions Judge, Yavatmal, Taluka and District Yavatmal, arising out of Crime No. 230 of 2024 registered for the offence punishable under Sections 304 and 304-A of the Indian Penal Code, 1860.

3. It is the submission of present applicant that, considering the complaint lodged against him by respondent Nos. 2 and 3, no offence is made out under Sections 304 and 304-A of the Indian Penal Code, 1860. Hence, he seeks indulgence of this Court in the matter.

4. In short, the case of the prosecution is that on the complaint of Sanjay Panditrao Bhujade, a Police Constable, an offence was registered. The said complaint was based on a complaint made by non-applicant No.3, Smt Vandana Prashant Dhone, on 28/05/2023. She alleged that, while she was at village Kalamb, she was informed telephonically that her husband, who was working as an electrician, had met with an accident and was lying in the agricultural field of one Shyam Sundar Kaprekar.

5. She further alleged that, after getting the knowledge from the villagers, it was revealed that her husband namely Prashant Dhone, along with one Nilesh Ramteke, went to the agricultural field of Shyam Sundar Kaprekar to tighten electrical wires. At that time, the wireman, Ashish Gawande, informed them that the electricity supply is switched off, thereafter, he climbed on the electric pole. However, due to electric shock, he fell down from the pole and died on the spot.

On the basis of this complaint, which was admittedly lodged

on 28/05/2023, near about after a period of one year i.e. on 17/04/2024 the offence came to be registered against the applicant.

6. According to the prosecution, the incident which took place in the agricultural field of Shyam Sundar Kaprekar, where the applicant was the Manager of the field, is responsible for the death of the complainant's husband. Therefore, prima facie, an offence under Section 304-A of the Indian Penal Code, 1860, is made out.

7. The applicant has pointed out that the Investigating Officer during his investigation sought explanation from Maharashtra State Electricity Board, Yavatmal, on the issue whether on the date of accident there was electric current was continued or not on the pole in Agricultural Land. In response to the same, the Deputy Executive Engineer, Babhulgaon, by communication dated 04/07/2023, informed the Investigating Officer that on the day of accident, the feeder connection was not connected and possibility cannot be ruled out that some unknown person had connected the feeder and restored electricity supply. As such, due to connection of feeder by unknown person the electricity supply was suddenly started and the accident occurred in the matter.

8. It is further pointed out that due to electric wires on the pole were loose, the deceased, who was a well-known electrician in the village, was called to tighten the loose electric wires. As such, he has accepted the work which was given to him, and while performing his duties as electrician, due to starting of sudden electric supply by unknown person, this accident was occurred. As such, there was no intention or negligence on the part of present applicant in the present matter, and therefore, vicarious liability cannot be fastened on the present applicant.

9. It is submitted that principal of vicarious liability is not

ordinarily made applicable in criminal law. But from the allegation levelled by the investigating agency, it appears that by applying the principal of vicarious liability, the present applicant is implicated in the alleged offence. Therefore, prima-facie no offence is made out against the present applicant.

10. The applicant has relied upon the judgment of Hon'ble Supreme Court of India in the case of *Yuvraj Laxmilal Kanther and another Vs State of Maharashtra in Criminal Appeal No. 2356 of 2024 decided on 07/03/2025*, wherein the Hon'ble Supreme Court of India observed that for an offence of culpable homicide, intention or knowledge is of crucial importance and observed in paragraph 12.4 of as under :-

“12.4 Coming back to Section 304 Part II IPC, we find that the said section would be attracted if anyone commits culpable homicide not amounting to murder if the act is done with the knowledge that it is likely to cause death but without any intention to cause death or to cause such bodily injury as is likely to cause death. Therefore, the requirement of Section 304 Part II IPC is that the doer must have the knowledge that the act performed is likely to cause death or to cause such bodily injury as is likely to cause death but without any intention to cause death. Thus, the basic ingredient of Section 304 Part II IPC is presence of knowledge and absence of intention. The doer must have the knowledge that the act performed by him would likely cause death etc but there should not be any intention to cause death”.

11. In the present matter, the learned APP has relied upon the statements of labourers who were working in the field at the time of accident. However, these witnesses have merely stated that while the deceased was on the electric pole, due to electric shock, fell down from the electric pole, and thereby caused his death. It is not pointed out by

them, who started the electric supply or whether there were knowing about same.

12. On the contrary, from their statements, it is clear that after verifying the fact that electric supply was closed, the deceased was asked to climb the electric pole for tightening the wires. Therefore, the statements which the learned APP was relied upon do not prima-facie pointed out that the present applicant is the responsible person or having any intention or knowledge to cause any offence as alleged in the matter.

13. In the present matter, neither from the complainant nor from the material collected by Investigation Officer it is clear that Applicant has any intention to cause death of deceased on the other hand deceased being electrician with his Assistant, by taking due care started the work. But due to sudden start of electric supply accident occurred. Hence, no offence is made out against applicant in the matter.

14. In the light of the above said factual as well as legal position, I am of the considered opinion that no offence is made out against the present applicant under Section 304-A of the Indian Penal Code, and continuation of the proceedings would nothing but an abuse of process of law. Hence, I proceed to pass the following order:

ORDER

- a] The criminal application is **allowed**.
- b] The proceedings bearing Sessions Case No. 15 of 2025 pending before the Sessions Judge, Yavatmal, Taluka and District Yavatmal, along with Crime No. 0230 of 2024 registered with Babhulgaon Police Station for the

offence punishable under Sections 304, 304-A of the Indian Penal Code, 1860, is hereby quashed and set aside.

c] All pending applications stand disposed of.

15. Rule is made absolute in the aforesaid terms. No orders as to costs.

(PRAVIN S. PATIL, J)