



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

CRIMINAL APPLICATION (APPA) NO. 942/2025

IN

CRIMINAL APPEAL ST. NO. 9716/2025

**The State of Maharashtra through Police Station Officer, Police
Station Darwha Vs. Nandkishor Panjabrao Raut and others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.J. Khan, APP for appellant / applicant
Mr. K.R. Bhise, Advocate for Respondent No.2

**CORAM: URMILA JOSHI PHALKE AND
 NIVEDITA P. MEHTA, JJ.**

DATED : 15.04.2026

1. By this application, the applicant-State is seeking leave to prefer an appeal.

2. Heard learned APP for the applicant-State, who invited our attention to the impugned judgment and order as well as evidence and submitted that the evidence shows that the deceased died due to the electric shock. There was an electric fencing to the agricultural field of the respondent No.2. The evidence nowhere shows that due or reasonable care was taken by the respondent No.2 exhibiting that there is an electric fencing.

3. On the contrary, there was an attempt made by the accused to stream himself by causing the disappearance of the evidence. In view of that, the learned trial Court ought to have considered that there was negligence on the part of the respondent No.2, however, the learned trial Court has not considered the

same and given importance to the minor omissions and contradictions. He submitted that the State has arguable points in the present appeal and in view of that leave to be granted.

4. The learned counsel for the respondent No.2 strongly opposed the said application.

5. After hearing both the sides, perusal of evidence on record, from which the learned APP has rightly pointed out that the aspect of negligence is not considered by the learned trial Court. Even accepting that offence under Section 304 Part (I) or Part (II) of the Indian Penal Code is not made out, then also, it would come under lesser Section i.e. u/s. 304(A) of the IPC. The evidence on record sufficiently shows that there was electrical fencing to the agricultural field of the present respondent No.2 and no care or caution was taken by exhibiting any notice on the fencing to show that there is an electric fencing. Thus the said negligence caused the death of the deceased and in view of that leave be granted to the State to prefer an appeal.

6. Considering the reasons mentioned in the application and after going through the evidence, we have satisfied that the State has arguable points in the present appeal and, therefore, application deserves to be allowed. Accordingly, we proceed to pass the following order.

ORDER

I. Criminal Application (APPA) NO. 942/2025 is allowed.

II. Leave is granted to the State to prefer an appeal.

ADMIT.

Call R & P.

Appeal be listed after receipt of R & P.

(NIVEDITA P. MEHTA,J.)

(URMILA JOSHI PHALKE, J.)

MP Deshpande