



Judgment

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

CRIMINAL APPLICATION APL NO.569/2025

Anil Suresh Lede,
occupation: driver, MSRTC,
age: 39 years, resident of
ward No.01, Madaipeth,
Adyal, tal.Pawani, district Bhandara. **Applicant.**

:: VERSUS ::

1. State of Maharashtra,
through Pavni Police Station,
district Bhandara.

2. Bhiksuk Kandlik Vanjari,
age: 55 years, occupation: farming,
resident of Bhendala, tahsil Pauni,
district Bhandara. **Non-applicants.**

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Shri A.R.Fule, Counsel for the Applicant.

Shri Nikhil Joshi, APP for Non-applicant No.1/State.

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 03/02/2026

ORAL JUDGMENT

1. Heard learned counsel Shri A.R.Fule for the applicant
and learned APP Shri Nikhil Joshi for the non-applicant No.1/
State. **Admit.** Heard finally by consent.

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2. By this application, the applicant is seeking quashing of FIR in connection with Crime No.251/2021 registered for offences under Sections 279, 304-A, 337, and 338 of the IPC read with 134, 184, and 177 of the Motor Vehicles Act.

3. The crime is registered on the basis of a report lodged by Bhiksuk Kandlik Vanjari on allegations that on 7.9.2021, at about 4:00 pm, he was proceeding from road. At the relevant time, injured Kawalu and Raju Talmale were proceeding on motorcycle. At the relevant time, ST Bus bearing registration No.MH-40/Y/5821 was driven by its driver in rash and negligent manner and in excessive speed without considering traffic situation and dashed against the motorcycle, due to which Ashish succumbed to death. The motorcycle rider Kawalu and Rajesh have sustained grievous injuries. On the basis of the said report, the police registered the crime.

4. After registration of the crime, the investigating officer has drawn spot panchanama and recorded statements of

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relevant witnesses and also collected medical certificate and after completion of the investigation, submitted chargesheet against the applicant.

5. Learned counsel for the applicant submitted that as far as involvement of the applicant is concerned, statements of passengers reveal that it was the applicant who was rash and negligent in driving the bus. He has invited my attention towards Mechanical Inspection Report of the vehicle and submitted that this report is also not supporting the case as it shows that accident has not happened due to mechanical defect in the motor vehicle. Thus, the report also shows that there was no mechanical defect in the vehicle. He submitted that statements of witnesses nowhere disclose that it was the applicant who was rash and negligent in driving the bus, but it was negligence on the part of the motorcycle driver and, therefore, the said accident has taken place. In view of that, the application deserves to be allowed.

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6. *Per contra*, learned APP for the State strongly opposed the said contentions and submitted that even the Inspection Report nowhere shows that there was any defect or mechanical defect in the vehicle. The statements of the various witnesses disclose that it was the ST Bus Driver who came wrong side and gave dash to the motorcycle. At this stage, mini trial is not to be conducted by this court and a *prima facie* material is there to show involvement of the applicant. In view of that, the application deserves to be rejected.

7. On hearing both the sides and perusing the entire investigation papers, it reveals that allegations against the applicant are that the applicant, who was Bus Driver, who was driving the bus bearing registration No.MH-40/Y/5821, has driven the vehicle in rash and negligent manner and dashed against the motorcycle. The spot panchanama also discloses that the ST Bus Driver has taken his bus to the wrong side and given dash to the motorcycle, due which one person from

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the motorcycle succumbed to death and two persons have sustained injuries. The statements of passengers of the bus as well as other statements of witnesses disclose involvement of the applicant in the alleged incident.

8. Considering the entire material collected during the investigation, a prima facie case is made out against the applicant by applying principles which are to be considered while considering the application for quashing of the FIR and, therefore, the application being devoid of merits is liable to be rejected and the same is **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)