2026:UHC:10074

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 946 of 2024

30th October, 2026

Dhawal Khullar and Another

.....Applicants

Versus

State Of Uttarakhand and Others

.....Respondents

Presence:-

Ms. Manisha Bhandari, learned senior counsel assisted by Mr. Shaswat Siddhant and Mr. Pritish Arya, learned counsel for the applicants.

Mr. Pratiroop Pandey, learned A.G.A. for the State.

Hon'ble Mr. Alok Mahra, J. (Oral)

By means of the present Criminal Miscellaneous Application, instituted under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), the applicants have assailed the charge-sheet dated 02.05.2024, the summoning order dated 22.11.2024 passed by the learned Chief Judicial Magistrate, Pauri Garhwal, in Criminal Case No.792 of 2024, State Vs. Siddhartha Bagri and Others, arising out of Case Crime/F.I.R. No.01 of 2024 dated 09.01.2024, under Section 304-A of the Indian Penal Code, as well as the entire consequential proceedings of the aforesaid criminal case.

2. Learned senior counsel for the applicants would submit that M/s Pravaig Dynamics Private Limited (hereinafter referred to as 'the Company') is a company incorporated under the Companies Act, having its registered office at New Delhi and corporate office at Bengaluru. The Company is engaged in the development and manufacture of electric vehicles, batteries, artificial intelligence-based technologies and special-purpose vehicles for various applications, including vehicles designed for use in enclosed and demarcated areas such as shipyards, airports, safari parks, national parks and reserved forests; that, applicant no.1 is the Director and Chief Technical Officer, whereas applicant no.2 is the Director and Chief Executive Officer of the Company.

3. Learned senior counsel would further submit that the present proceedings emanate from an unfortunate accident dated 08.01.2024 at Rajaji Tiger Reserve, Uttarakhand, in which six persons lost their lives; that, the F.I.R. was lodged on 09.01.2024 by respondent no.3, Rajesh Chandra Joshi, Forest Range Officer, Rajaji Tiger Reserve, at Police Station Laxmanjhula, District Pauri Garhwal. It is contended that the Company had supplied an Interceptor Safari

AWD Electric Vehicle, being a Special Purpose Vehicle (SPV), for trial and evaluation pursuant to an arrangement between the Company, M/s Aska Equipment Private Limited and the Forest Department, Government of Uttarakhand; that, the demonstration and trial of the vehicle were being conducted under the supervision of the concerned Forest Department officials; that, the initial trial conducted in the morning was successful; however, during a subsequent ride, ten persons were permitted to board the vehicle, notwithstanding its seating capacity of 7+1 persons. It is further contended that the driver had cautioned the occupants against overloading but was allegedly persuaded to accelerate the vehicle, resulting in loss of control and the unfortunate accident. Learned senior counsel would also refer to the CCTV footage installed in the vehicle, which, according to the applicants, depicts the driver informing the occupants about the acceleration capacity of the vehicle and thereafter increasing its speed.

4. Learned senior counsel would submit that neither of the applicants was present at the place of occurrence nor was either of them involved in

conducting the field trials or demonstration of the vehicle; that, the entire exercise was allegedly under the supervision and control of the Forest Department officials and representatives of M/s Aska Equipment Private Limited. It is contended that the applicants cannot be subjected to criminal prosecution merely on account of their respective positions as Director/Chief Technical Officer and Director/Chief Executive Officer of the manufacturing company, particularly when the prosecution has not attributed any specific act, omission, knowledge or culpable negligence to either of them in relation to the alleged occurrence. She would further submit that the applicants duly cooperated with the investigation and responded to the notices issued under Sections 91 and 160 of the Code of Criminal Procedure, 1973; that, they appeared before the Investigating Officer on 17.01.2024 and 08.02.2024 and furnished the requisite documents and explanations; that, the applicant no.2 also appeared before the Investigating Officer on 24.04.2024, whereupon his statement was recorded; that, despite such cooperation and the material furnished by them, the Investigating Officer proceeded to submit the charge-sheet under

Sections 279, 304-A and 338 IPC, without properly considering the explanations and documents submitted by the applicants. It is contended that neither the F.I.R. nor the material collected during investigation discloses any specific act of rashness or negligence attributable to the applicants.

5. Learned senior counsel would submit that the vehicle in question was a Special Purpose Vehicle manufactured for field trials and evaluation and was not a mass-production vehicle intended for ordinary use on public roads; that, the Company had obtained a valid trade certificate under the applicable provisions of the Central Motor Vehicles Rules, 1989, for developmental testing, trials and demonstrations. It is further contended that the vehicle was manufactured in accordance with the applicable safety and visibility standards and incorporated components procured from reputed manufacturers; that, the test engineer deputed to operate the vehicle was duly trained and authorised for the purpose, thus, according to the applicants, neither any manufacturing defect nor any culpable act or omission on their part has been established in connection with the accident.

6. Learned senior counsel would further submit that even if the allegations contained in the F.I.R. and the charge-sheet are accepted at their face value, the essential ingredients of the offences punishable under Sections 279, 304-A and 338 IPC are not made out against the applicants; that, to attract Section 279 IPC, the prosecution must establish that the accused was driving a vehicle on a public way in a rash or negligent manner so as to endanger human life or cause hurt or injury, however, neither of the applicants was driving the vehicle or was present at the place of occurrence. Similarly, for attracting Section 304-A IPC, the death must be the direct and proximate consequence of a rash or negligent act attributable to the accused, and such act must be the *causa causans* of the occurrence rather than merely a remote or incidental cause; that, mere association with, ownership of or management of the manufacturing company cannot, by itself, constitute the basis for fastening criminal liability upon its Directors for an accident involving a vehicle manufactured by the Company.

7. Learned senior counsel would also submit that criminal liability cannot be fastened upon the

Directors or senior managerial personnel of a company merely by virtue of their official designations, in the absence of specific allegations disclosing their individual involvement and culpable conduct. In support of the aforesaid submission, reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Sunil Bharti Mittal v. Central Bureau of Investigation*, (2015) 4 SCC 609, wherein it has been held that criminal liability is primarily personal and that vicarious criminal liability cannot be imposed unless the statute specifically provides for the same. Reliance has also been placed upon *Keki Hormusji Gharda v. Mehervan Rustom Irani*, (2009) 6 SCC 475; *Shiv Kumar Jatia v. State (NCT of Delhi)*, (2019) 17 SCC 193; and *M/s Thermax Ltd. v. K.M. Johny*, (2011) 13 SCC 412, to contend that the Directors and senior managerial personnel cannot be prosecuted merely on account of their positions in the company, unless the allegations and material disclose their individual role in the commission of the alleged offence. She would further submit that the principles enunciated by the Hon'ble Supreme Court in *Brahm Dass v. State of Himachal Pradesh*, (2009) 7 SCC 353, require the prosecution to establish the necessary element of

rashness or negligence for attracting Sections 279 and 304-A IPC; that, in the present case, no such act or omission has been attributed to the applicants. It is contended that the accident occurred during a subsequent trial ride when the vehicle was allegedly carrying passengers beyond its prescribed seating capacity and was being driven at an excessive speed; that, the applicants had neither operational control over the vehicle at the relevant time nor any role in the manner in which the driver chose to operate it.

8. Learned senior counsel would lastly submit that the applicants had earlier approached this Court by filing WPCRL No.462 of 2024, seeking quashing of F.I.R. No.01 of 2024, however, during the pendency of the said petition, the charge-sheet came to be submitted. It is contended that neither the F.I.R. nor the charge-sheet discloses the essential ingredients of the alleged offences against the applicants and that the learned court below, while passing the impugned summoning order, failed to consider the absence of any specific role or culpable act attributable to them; that, consequently, continuation of the criminal proceedings against the applicants would amount to an abuse of the process of law. It is,

therefore, prayed that the impugned charge-sheet, summoning order and all consequential proceedings, insofar as they relate to the applicants, be quashed.

9. *Per contra*, learned State counsel would submit that during the course of investigation, it was revealed that the Interceptor vehicle had been brought to Rajaji National Park on 08.01.2024 for trial and had also undergone trials at other places, including Tadoba National Park, Maharashtra. However, the Company had not received any purchase order for the said vehicle. It is contended that the vehicle was merely a prototype, which was neither fully developed nor certified by any Government-authorised institution. Learned State counsel would further submit that on the date of the incident, the vehicle was initially driven by the Forest Department officials in the Cheela forest area, whereafter the Mechanical Engineer-cum-Driver took ten forest officials/employees of the Company for a trial run on Cheela Road, despite being aware that the vehicle had a seating capacity of only eight persons; that, during the said trial, the vehicle met with an accident near Cheela Barrage, resulting in the death of six persons.

10. He would further submit that the CCTV footage recorded by the cameras installed in the vehicle revealed that the driver himself informed the occupants about its capacity to attain a speed of 100 kmph within four seconds and, at one point, accelerated the vehicle, whereafter it went out of control and met with the accident. He would also submit that no material was collected during investigation to indicate that the Forest Department officials had compelled the driver either to carry passengers beyond the prescribed seating capacity or to increase the speed of the vehicle. Learned State counsel would further submit that the investigation revealed that the Company had failed to ensure that the trial of the prototype vehicle was conducted in accordance with the requisite safety norms and standards; that, the vehicle was allegedly not fully equipped with essential safety features and had not been certified by any Government-authorised institution; that, no specialised training had been imparted to the driver/Mechanical Engineer by any recognised institution.

11. Learned State counsel would also refer to the joint technical inspection conducted on 09.01.2024 by

the concerned transport authorities, wherein it was allegedly found that the rear seats of the vehicle were not fitted with seat belts, no airbags had been installed and all four windows were of a simple design fitted with strips; that, these deficiencies were recorded in the joint inspection report. He would further submit that the statements of the applicants recorded during investigation also disclosed that necessary safety instructions had not been imparted to the driver/Mechanical Engineer; that, applicant no.2 is stated to have acknowledged that the presence of seat belts could potentially have saved the lives of the deceased; that, on the basis of the material collected during investigation, the Investigating Officer submitted the charge-sheet against the applicants,; that, learned Magistrate, upon considering the case diary and the material available on record, rightly found sufficient grounds to proceed against the applicants and passed the impugned cognizance and summoning order. Therefore, no interference by this Court is warranted.

12. In response thereto, learned senior counsel for the applicants would submit that the driver, being a technically qualified person who had previously

conducted trials and demonstrations of the subject vehicle, was fully aware that the SPV had a seating capacity of 7+1 persons. It is contended that neither of the applicants had instructed or authorised the driver to permit ten persons to board the vehicle or to drive it at an excessive speed of 100 kmph, allegedly resulting in the accident dated 08.01.2024. Learned senior counsel would further submit that even paragraph 11 of the counter affidavit filed on behalf of the respondents indicates that the driver himself permitted persons beyond the prescribed seating capacity to board the vehicle and was aware of its technical limitations; that, despite such knowledge, the driver proceeded to operate the vehicle, which subsequently went out of control and met with the accident. Thus, according to the applicants, the alleged acts or omissions are attributable to the individual conduct of the driver, and no criminal liability can be fastened upon the applicants in the absence of specific allegations or material demonstrating their individual involvement or culpable negligence.

13. Learned senior counsel would further submit that the applicants had no direct connection with or involvement in the unfortunate occurrence. Reference is

also made to a Facebook livestream video recorded by a Forest Department official, which allegedly depicts the representatives of ASKA and the Forest Department positioned at the rear and outside the vehicle at the relevant time. She would further submit that the respondents have incorrectly proceeded on the assumption that the subject Interceptor Safari AWD SPV vehicle was equipped with conventional doors and windows, whereas, in fact, like other forest safari vehicles, it was not provided with conventional doors and windows. It is contended that the vehicle had successfully undergone several trials and demonstrations, including demonstrations conducted by the Head of Forest Force (HoFF) and the Director

14. Learned senior counsel would further submit that the subject vehicle was a Special Purpose Vehicle designed for a specific purpose and was not intended for use as an ordinary road vehicle. On this basis, it is contended that the requirements of certification by the Automotive Research Association of India (ARAI) under the Central Motor Vehicles Rules, 1989, were not applicable to the vehicle; that, the allegation that the driver was untrained or inexperienced has also been

disputed; that, the driver-cum-engineer had successfully conducted several demonstrations and trials of the very same vehicle and possessed adequate technical knowledge and practical experience; that, he had also received training as a racing driver and team engineer from a reputed university and had experience in driving and testing the vehicle for various agencies, including the Indian Army.

15. Learned senior counsel would further submit that the statements attributed to applicant no.2 have been misquoted and misconstrued by the investigating agency and do not support the allegations levelled against the applicants. It is contended that the vehicle was being used for a trial and demonstration during a jungle safari and that the allegations relating to the absence of seat belts and airbags have been incorrectly interpreted by the respondents. Learned senior counsel would, therefore, submit that the applicants have been charge-sheeted without any cogent material and without proper application of mind; that, the prosecution case, according to the applicants, proceeds on an impermissible assumption of vicarious criminal liability, notwithstanding the absence of any statutory provision

or specific material establishing their individual role, knowledge or culpable conduct. It is further contended that the investigation has failed to examine the respective roles and responsibilities of the persons actually involved in operating and supervising the trial of the vehicle and has erroneously sought to attribute criminal responsibility to the applicants merely on account of their association with the Company. Accordingly, the impugned charge-sheet, summoning order and consequential proceedings, insofar as they relate to the applicants, deserve to be quashed.

16. Heard learned counsel for the parties and perused the material available on record.

17. Having considered the rival submissions and upon careful examination of the material available on record, this Court finds that the controversy requiring consideration is whether the applicants, merely by virtue of being Directors and senior managerial personnel of the Company, can be prosecuted for the alleged offences under Sections 279, 304-A and 338 IPC, in the absence of specific allegations and material disclosing their individual role and culpable negligence in relation to the accident.

18. At the outset, it is a settled principle of criminal jurisprudence that criminal liability is essentially personal in nature. The mere fact that a person holds the position of Director or occupies a senior managerial position in a company does not, by itself, make such person criminally liable for every act or omission attributable to the company or its employees. Unless a statute expressly creates vicarious criminal liability, the prosecution must disclose the individual role of the person sought to be prosecuted and the requisite ingredients of the alleged offence. The Hon'ble Supreme Court in *Sunil Bharti Mittal v. Central Bureau of Investigation*, (2015) 4 SCC 609, has held that the liability of a Director cannot be presumed merely on account of the office held by him and that, in the absence of a statutory provision creating vicarious liability, the prosecution must establish the requisite involvement and criminal intent of such individual. The aforesaid principle has also been reiterated in *Keki Hormusji Gharda v. Mehervan Rustom Irani*, (2009) 6 SCC 475, and *Shiv Kumar Jatia v. State (NCT of Delhi)*, (2019) 17 SCC 193.

19. So far as the offence punishable under

Section 304-A IPC is concerned, the prosecution is required to establish that the death was caused by a rash or negligent act of the accused, which did not amount to culpable homicide. The alleged act must be the direct and proximate cause of death and not merely a remote or incidental circumstance. Mere proof of an unfortunate accident resulting in loss of human lives is not sufficient to establish criminal negligence. There must be material indicating such a degree of rashness or negligence as would attract criminal liability. Similarly, the essential ingredients of Sections 279 and 338 IPC must be independently satisfied before an accused can be subjected to prosecution under those provisions. In *Brahm Dass v. State of Himachal Pradesh*, (2009) 7 SCC 353, the Hon'ble Supreme Court has reiterated the necessity of establishing rashness or negligence for attracting the aforesaid penal provisions.

19. In the present case, the prosecution primarily relies upon the alleged overloading of the vehicle, its acceleration during the trial run, the absence of certain safety features and the alleged lack of adequate training of the driver. However, these circumstances, even if taken into consideration at this stage, do not, by

themselves, establish the individual criminal culpability of the applicants. The material placed before this Court does not disclose any specific instruction issued by either applicant to the driver to carry passengers beyond the prescribed seating capacity or to drive the vehicle at an excessive speed. Nor has any specific material been brought to the notice of this Court demonstrating that either applicant was present at the place of occurrence or exercised operational control over the vehicle at the relevant time.

20. It is also relevant that the driver-cum-engineer was the person actually operating the vehicle during the trial run. The rival submissions indicate that he had knowledge of the seating capacity and technical features of the vehicle. The applicants contend that the driver himself permitted the occupants beyond the prescribed seating capacity and accelerated the vehicle. On the other hand, the State alleges that the Company failed to ensure adequate safety arrangements and proper training. However, the material referred to by the prosecution, as noticed above, does not sufficiently disclose the specific act or omission of either applicants which can be said to constitute the proximate cause of

the accident or establish the requisite criminal negligence on their part.

21. This Court is conscious of the seriousness of the incident, in which six valuable human lives were lost. However, the gravity of the consequences of an accident, by itself, cannot be a substitute for establishing the essential ingredients of a criminal offence against a particular accused. Criminal prosecution cannot be sustained merely on the basis of the designation or managerial position held by an individual in a company. The prosecution must disclose some specific act, omission or conduct attributable to such individual, which, prima facie, satisfies the ingredients of the offence alleged against him.

22. It is true that at the stage of taking cognizance and issuing summons, the Court is not required to undertake a meticulous examination of the evidence or conduct a mini-trial. Nevertheless, the material collected during investigation must disclose the commission of an offence and provide sufficient grounds for proceeding against the person summoned. In the present case, even upon accepting the prosecution allegations and the material relied upon by the

investigating agency at their face value, the essential link between the alleged acts or omissions of the applicants and the accident has not been demonstrated. The mere fact that the applicants were Directors of the Company responsible for manufacturing the vehicle cannot, in the absence of specific allegations and supporting material establishing their individual culpable conduct, furnish a sufficient basis for subjecting them to criminal prosecution.

23. In view of the aforesaid discussion, this Court is of the considered opinion that the continuation of criminal proceedings against the applicants, in the absence of material disclosing their individual criminal liability and the essential ingredients of the alleged offences, would amount to an abuse of the process of the Court. The present case, therefore, warrants exercise of the inherent jurisdiction of this Court under Section 528 BNSS to secure the ends of justice.

24. Accordingly, the present Criminal Miscellaneous Application is allowed. The charge-sheet dated 02.05.2024, the summoning order dated 22.11.2024 passed by the learned Chief Judicial Magistrate, Pauri Garhwal, in Criminal Case No.792 of

2024, State Vs. Siddhartha Bagri and Others, and the entire consequential proceedings of the aforesaid criminal case, insofar as they relate to the present applicants, are hereby quashed.

25. It is clarified that the observations made hereinabove are confined to the consideration of the case of the present applicants and shall not prejudice the proceedings, if any, against the other accused persons.

26. Pending applications, if any, stand disposed of accordingly.

(ALOK MAHRA,J.)
30.10.2026

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