

MHSN170009232020



Received on : 21.07.2014
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Decided on : 13.03.2026
Duration : Ys. M. Ds.
11 07 20

IN THE SESSIONS COURT, VITA, AT VITA
(Presided over by R.R. Bhagwat, Addl. Sessions Judge, Vita)

CRIMINAL APPEAL NO.31/2024
(OLD CRIMINAL APPEAL NO.120/2014)

Exh.No.20

Vinayak Vasant Bhagat,)
Age-26 Years, Occu. Private service) **Appellant**
R/o. A/p. Vadiyeraybag, Bhagat) **(Original Accused)**
Mala, Tal. Kadegaon, Dist. Sangli)

VERSUS

State of Maharashtra) **Respondent**
) **(Orig. Complainant)**

Appeal U/s.374 of the Code of Criminal Procedure

Ld. Counsel Shri. S. K. Sanadi for the appellant.

Ld. APP Smt. A. M. Satvilkar for the respondent/State.

: JUDGMENT :

(Delivered on 13.03.2026)

1] This appeal is preferred by the appellant/original

ASJ

accused against impugned judgment and order dated 21.06.2014 in Summary Criminal Case No.171/2013 pronounced by Ld. Judicial Magistrate, First Class, Kadegaon, Tal. Kadegaon, Dist. Sangli. Ld. Trial Court convicted appellant/accused for the offences punishable under sections 279, 338 of the Indian Penal Code (for short, "the IPC") and section 184 of the Motor Vehicles Act (for short, "MV Act"). Ld. Trial Court sentenced appellant/accused (1) to suffer simple imprisonment for a period of one month and to pay fine of Rs.1,000/- for the offence punishable under section 279 of the IPC and in default to suffer simple imprisonment for one month, (2) sentenced to suffer simple imprisonment for a period of one month and to pay fine of Rs.1,000/- for the offence punishable under section 338 of the IPC and in default to suffer simple imprisonment for one month and (3) sentenced to suffer simple imprisonment for a period of one month and to pay fine of Rs.2,000/- for the offence punishable under section 184 of the MV Act and in default to suffer simple imprisonment for two months. The accused was directed to undergo all the sentences concurrently. He has paid fine amount of Rs.4,000/- in Ld. Trial Court.

Prosecution case, in brief, is as under :-

2] Informant Smt. Rupali Ramchandra Mane was attached to Kadegaon police station as a police constable. On 25.05.2013, she along with police head constable Mr. Jadhav were proceeding on a motorcycle bearing No.MH-09-Y-3514 of Mr. Jadhav on Karad to Vita road for discharging night patrolling duty. Mr. Jadhav was driving the motorcycle from right side of the road. At that time, she

was sitting as a pillion rider. When they reached near Swapnapurti tea stall at S.T. stand chowk, Kadegaon at 11.30 p.m., one white colour four wheeler Hyundai car bearing No.MH-46-L-3113 driven by the accused came from the direction of Vita in high speed and from wrong side of the road and dashed to their motorcycle. Due to dash, both of them fell down. Informant Rupali sustained injuries to her waist and head. Police head constable Mr. Jadhav sustained severe injuries to his legs, near ankle and head. The motorcycle was also damaged in the accident. After the accident, the people and police staff gathered there. They admitted the informant and Mr. Jadhav at Krishna Hospital, Karad. Later on, the informant came to know that Hyundai car No.MH-46-L-3113 involved in the accident was being driven by the accused. While receiving treatment at Krishna Hospital, Karad, the informant gave statement cum report to the police. On the basis of the said statement cum report, crime No.34/2013 for offences punishable under sections 279, 337, 338, 427 of the IPC and section 184 of the MV Act came to be registered against the accused in Kadegaon police station.

3] Investigation of above crime No.34/2013 was entrusted to Mr. Tukaram Sabale, police head constable. He visited the spot of accident. He shifted the injured to Krishna Hospital, Karad. He recorded statement cum report of injured informant Smt. Rupali at Krishna Hospital, Karad. He prepared spot panchanama and drawn rough sketch of the spot of accident. He gave notice to the accused and injured Mr. Jadhav, PHC under section 209 of the MV Act. He recorded statements of the witnesses. He got prepared mechanical

testing report of both vehicles involved in the accident. He obtained injury certificates of the injured. At the end of investigation, he filed charge-sheet against the accused in the Court of Ld. J.M.F.C., Kadegaon, Tal. Kadegaon, Dist. Sangli.

4] Subsequently, plea was framed against the accused at Exh.13 for offences punishable under sections 279, 337, 338, 427 of the IPC and section 184 of the MV Act. He pleaded not guilty and claimed to be tried. Ld. Trial Court examined following witnesses :-

- 1) PW-1 Govind Pandurang Ghadge, spot panch
- 2) PW-2 Prakash Mahadev Gadale, spot panch
- 3) PW-3 Smt. Rupali Ramchandra Mane, informant
- 4) PW-4 Tukaram Chindu Sabale, Investigating officer

5] Then, statement of the accused came to be recorded under section 313 of the Code of Criminal Procedure along with Exh.13 (exhibit of plea is given). Accused denied prosecution case. He refused to lead defence evidence. Then, impugned judgment came to be pronounced with operative order as referred above in first para of this judgment.

6] **The appellant/accused has challenged impugned judgment on following grounds :-**

Impugned judgment and order of Ld. Trial Court is against justice, equity and good conscience. Ld. Trial Court has passed order only on surmises and conjectures. Order of Ld. Trial Court is illegal and unconstitutional and non judicial in the eyes of law. Ld. Trial Court has not applied its judicial mind properly

before passing the impugned judgment and order and it is illegal being not based upon evidence on record. Ld. Trial Court erred in not holding that prosecution has not made out any case for such conviction. Ld. Trial Court ought to have held that prosecution failed to prove the guilt of the accused beyond reasonable doubt. Ld. Trial Court has erred and relied on the statement of the informant as eye witness of the accident. Ld. Trial Court erred in not holding that PW-3 was not eye witness and his presence at the time of the accident is also susceptible. Ld. Trial Court erred in not holding nowhere it is appeared that the appellant was driving his vehicle in rash and negligent manner. Ld. Trial Court erred in not appreciating properly the spot panchanama Exh.14. Ld. Trial Court has erred in deciding points No.1, 2 and 4 and wrongly came to the conclusion. Ld. Trial Court has failed to consider the settled law that prosecution should prove that the appellant was driving the vehicle in rash and negligent manner. Points framed by Ld. Trial Court are contradictory to each other. Ld. Trial Court erred in not holding that in entire case there is no any eye witnesses and also it is admitted by the investigating officer. Ld. Trial Court erred in not holding that prosecution had not proved their case beyond reasonable doubt. He prayed to set aside impugned judgment and order and to acquit him.

7] Ld. Counsel for the appellant remained absent for argument when called out repeatedly. The appellant is also absent. Heard Ld. APP Smt. A. M. Satvilkar for the respondent/State. Following points arose for my determination and I record my

findings against the same for reasons to follow :-

	Points	Findings
1	Does the prosecution prove that on 25.05.2013 at about 11.15 hours in the square of Kadegaon Bus Stand, on Vita to Karad road, accused drove Hyundai i-20 car in his possession bearing No.MH-46-L-3113 on public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person and dashed to the motorcycle bearing No.MH-09-Y-3514 driven by police head constable Mr. Uttam Shankar Jadhav on which the informant Smt. Rupali Mane was pillion rider and caused injury to them and thereby committed an offence punishable under section 279 of the IPC?	In the Affirmative
2	Does the prosecution further prove that on aforesaid date, time and place, accused drove Hyundai i-20 car in his possession bearing No.MH-46-L-3113 did an act so rashly or negligently as to endanger human life, or the personal safety of others and caused grievous hurt to police head constable Mr. Uttam Shankar Jadhav and the informant Smt. Rupali Mane and thereby committed an offence punishable under section 338 of the IPC?	In the Affirmative
3	Does the prosecution further prove that on aforesaid date, time and place, accused drove Hyundai i-20 car in his possession bearing No.MH-46-L-3113 and committed mischief and thereby caused loss or damage to the motorcycle bearing No.MH-09-Y-3514 and thereby committed an offence punishable under section	In the Affirmative

	427 of the IPC?	
4	Does the prosecution prove that, on aforesaid date, time and place, accused drove Hyundai i-20 car in his possession bearing No.MH-46-L-3113 at a speed or in a manner which is dangerous to the public and thereby committed an offence punishable under section 184 of the MV Act?	In the Affirmative
5	Whether the impugned Judgment and order requires interference?	Partly in the affirmative
6	What order?	As per final order

: REASONS :

As to Points No.1 to 6 :-

8] PW-3 Smt. Rupali Mane is the informant who specifically deposed that she was attached to Kadegaon police station and on 25.05.2013, she along with Hawaldar Mr. Jadhav were proceeding on Karad to Vita road for discharging night patrolling duty and at that time, she was sitting as a pillion rider. When they reached near Swapnapurti tea stall at S.T. stand chowk, Kadegaon at 11.30 p.m., one white colour four wheeler came from the direction of Vita in high speed and from wrong side of the road and dashed to their motorcycle. Both of them fell down. She sustained injuries to her waist and head. She further deposed that Hawaldar Mr. Jadhav sustained injuries to his legs. She specifically stated that Hyundai car having No.MH-46-L-3113 was involved in the accident. According to her, accused Vinayak Bhagat was driver of the car and he is present in the Court. She further stated about treatment received at Krishna Hospital, Karad and proved her

report Exh.17 by admitting her signature with contents therein. When she was subjected to cross-examination, width of the road as 40 ft. is brought on record. It is further tried to be brought on record that travels are parked at the said spot for picking up passengers. She further admitted that she was sitting on the two wheeler by making her face towards north. It is tried to suggest that she could not see the accused while driving the car which dashed to their motorcycle. She has denied these particulars.

9] PW-1 Govind Ghadge and PW-2 Prakash Gadale are panch witnesses on spot panchanama Exh.14. Both of them have admitted their signatures on spot panchanama Exh.14 with contents therein. They have specifically deposed that spot of the incident is beside Swapnapurti tea stall and the Hero Honda motorcycle and a car were involved in the accident. They have admitted existence of shops in surrounding area of the spot of the incident. Similarly, width of the road as 40 to 45 ft. is also admitted by them. Nothing affecting to the prosecution case has been brought on record in cross-examination of these two witnesses.

10] PW-4 Tukaram Sabale, Police Head Constable is the investigating officer who has given account of investigation i.e. preparation of spot of panchanama Exh.14, recording statements of witnesses, etc.

11] Ld. Trial Court has given importance to testimony of PW-3 Rupali. If evidence of PW-3 Rupali is scrutinized, nothing material has been brought on record denting to her credibility. She

is injured. She had no reason to depose against the accused who was not known to her prior to the date of incident. Furthermore, incident had taken place in the middle of the road. Therefore, it is evident that the car had come to wrong side of the road. Therefore, the accused can be said to be rash and negligent while driving the car and he had caused the accident. Particulars in the spot panchanama are also corroborating to testimony of PW-3 Rupali. Ld. Trial Court had rightly appreciated all these aspects and reached to right conclusion regarding guilt of the accused for offences charged against him. Therefore, no interference is called for in findings of guilt of the accused recorded by Ld. Trial Court. So far as proportion of sentence is concerned, it is necessary to consider that the accident had taken place in the year 2013. Trial is concluded on 21.06.2014. Thereafter, period of 12 years is passed. The appellant and his Ld. Counsel are absent since long. NBW was issued against the appellant, but it could not be served as per reports received from the concerned police station. When there are less chances of securing presence of the appellant for undergoing substantive sentence of jail imprisonment and overall gravity of offence, reduction in sentence can be made. Substantive sentence of jail imprisonment can be avoided and part of imposing fine in operative order of the impugned judgment can be confirmed. Even otherwise, present offence is legally not having element of intention. Criminal antecedents or any other particulars of criminal background of the accused are not brought on record. Considering all attending circumstances, sentence can be reduced to fine

amount only. Therefore, conviction of the accused for offences punishable under sections 279, 338 of the IPC and section 184 of the MV Act can be confirmed with modification in sentence as mentioned earlier. In the result, I record my findings as to points No.1 to 4 in the affirmative, point No.5 partly in the affirmative and in answer to point No.6, I pass the following order :-

: O R D E R :

1. Criminal Appeal No.31/2024 (Old Criminal Appeal No.120/2014) is partly allowed.
2. Impugned judgment and order dated 21.06.2014 in Summary Criminal Case No.171/2013 pronounced by Ld. Judicial Magistrate, First Class, Kadegaon, Tal. Kadegaon, Dist. Sangli is hereby confirmed with modification in sentence awarded to the accused for offences punishable under sections 279, 338 of the IPC and section 184 of the MV Act to the extent of fine amount of Rs.4,000/- only (Rupees Four thousand only) as per operative order of Ld. Trial Court.
3. Rest of impugned judgment and order is confirmed.
4. Bail bonds of the accused are cancelled.
5. Original record and proceeding of Summary Criminal Case No.171/2013 shall be sent back to Ld. Trial Court.
6. Proceeding of Criminal Appeal No.31/2024 (Old Criminal Appeal No.120/2014) is closed.

(Dictated and pronounced in open Court)

Vita
dt.13.03.2026

(R.R. Bhagwat)
Additional Sessions Judge, Vita

CERTIFICATE

I affirm that, the contents of this P.D.F. file, are same word to word, as per the original order.

Name of Stenographer	: H.G. Sutar (Steno Grade-I)
Court	: DJ-1 & Addl. Sessions Judge, Vita
Date of order	: 13.03.2026
Signed by Presiding officer on	: 13.03.2026
Uploaded on	: 14.03.2026