

MHBI010008162022 	<u>SESSIONS CASE No. 42 of 2022</u> State of Maharashtra <u>Vs.</u> Vikas Ankush Pawar
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ORDER BELOW EXHIBIT 13.

Accused/applicant Vikas Ankush Pawar filed this application seeking discharge under Section 227 of The Criminal Procedure Code from the offences punishable under Sections 279, 304 of the Indian Penal Code (for short, IPC) and under Sections 158/192 of the Motor Vehicles Act (for short MV Act).

2) According to the prosecution on 15/11/2018 at about 10-25 a.m. applicant Vikas Pawar drove his Tractor rashly and negligently and dashed to informant and one another person. In said accident informant sustained grievous bodily injuries and informant's daughter died in said accident.

3) The applicant in his application inter-alia contended that there is no evidence on record that the applicant was driving the tractor alongwith trolley. The applicant is not owner of said tractor and trolley. Owner of the Tractor/trolley is not traced out. Applicant is arrested on the basis of suspicion. Alleged sections do not attract against the applicant. He prayed to discharge him.

4) The application is resisted by the prosecution overleaf contending that informant specifically stated that applicant was driving the Tractor. After the incident the Tractor came to be seized.

One Ankush Pawar, who is father of applicant got released the Tractor from concerned Court. Garage owner stated that applicant was bringing the Tractor for its repairs. The offence is serious. Police papers show complicity of the applicant and prayed to reject the application.

5) Heard learned Advocate for the accused and learned APP for the prosecution.

6) Considering the facts and submissions of both sides, following points arise for my determination and I record my findings against it for the reasons stated thereafter.

<u>Points</u>	<u>Findings</u>
1] Whether the applicant/accused proved that, in this case, there is no sufficient ground for proceeding against him ?	No.
2] Whether applicant/accused is entitled to get discharge under Section 227 of the Cr.P.C. from the alleged offences ?	No.
3] What order ?	As per final order.

:: REASONS ::

7) Ld. Advocate for the applicant/accused argued on the line of the application. He submitted that the applicant is innocent and has not committed alleged offence. Involvement of the applicant is not transpired from the documentary proof filed alongwith the charge-sheet. There is no sufficient material against the applicant to proceed and prayed to allow the application.

8) Ld. APP submitted that the police papers alongwith statements of witnesses show that the applicant/accused committed alleged offence. The offence is serious in nature. There is sufficient evidence against the applicant which the prosecution will prove during trial and prayed to reject the application.

AS TO POINTS NO. 1 & 2 :-

9) It reveals from police papers that at the relevant time the informant was traveling on his motorcycle alongwith his daughter Nikita. In order to talk to his friend, he stopped his motorcycle and was talking with his friend Raghunath Jadhav. At that time the applicant came there driving his Tractor rashly and negligently and dashed to informant and his daughter. The tractor was attached with trolley, loaded with sand. In said accident informant sustained bodily injuries and tyre of the Tractor ran over head of Nikita. In consequence Nikita died on the spot and informant was shifted to Hospital for treatment. After the accident the Tractor further went into one Mauli Garage. Applicant after the incident fled away from the spot. Applicant's father is owner of the Tractor.

10) The police papers including statements of witnesses prima facie show complicity of the applicant/accused. Scope of Section 227 of Cr.P.C. is very limited. Critical analysis of evidence is not expected at this stage. It is only to be seen whether there are sufficient grounds to proceed against the accused. As discussed earlier, the first information report and statements of witnesses show complicity of the applicant/accused. Therefore prima facie there are sufficient grounds to proceed against the applicant/accused. Hence

the accused is not entitled to be discharged. I find no substance in the submissions of Ld. Advocate for the applicant/accused. I answer point Nos.1 and 2 accordingly in the negative and in answer to point No.3, pass following order :-

ORDER

The application is rejected.

Date: 23/01/2025
Beed.

(V.H. Patwadkar)
Additional Sessions Judge-2,
Beed.

:: CERTIFICATE ::

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Dictated on :- 23/01/2025

Transcribed on :- 23/01/2025

Checked & Signed on :- 23/01/2025

Dt. 23/01/2025

Sd/-
(Asif R. Sayyad)
Stenographer Gr-I
Additional Sessions Court
Beed.