


MHKO160006302016 	Presented on : 20/10/2016 Registered on : 24/10/2016 Decided on : 07/04/2026 Period : 09 Ys. 05 Ms. 18 Days
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PART 'A'

(Para 44(i) of Chapter Vi of Criminal Manual)

<u>IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, MALKAPUR- SHAHUWADI</u> (Presided over by P. B. Pawar) Decided on – 07/04/2026 (Summary Criminal Case No.174/2016)	
(FIR/ Crime No. 95/2016 of Shahuwadi Police Station, Kolhapur)	
PROSECUTION	:- The State of Maharashtra, Through Shahuwadi Police Station, Kolhapur
Ld. APP for the state	:- Smt. S. B. Chimate
ACCUSED	:- Ramesh Raghunath Patil, Age- 33, Occu : Driver, R/o: Aawali, Tal. Panhala, Dist. Kolhapur
Ld. Advocate for the Accused	:- Shri. K. R. Powar

PART 'B'

(Para 44(ii) of Chapter Vi of Criminal Manual)

Date of offence	:-	03/04/2016
Date of FIR	:-	31/05/2016
Date of framing of Charges	:-	11/12/2019
Date of commencement of evidence	:-	07/03/2020
Date on which judgment is reserved	:-	07/04/2026
Date of the judgment	:-	07/04/2026
Date of the sentencing order if any	:-	Accused is convicted.

ACCUSED DETAILS

Rank	Name	Date of Arrest	Date of release on bail	Offence charged with	Whether convicted or Convicted	Sentence imposed	Period of Detention undergone during Trial for purpose of Section 428 Cr.PC.
1	Ramesh Raghunath Patil	26/08/16	26/08/16	Section u.s. 279,337,338 of I.P.C. & 184 of Motor Vehicle Act	Convicted	As per final order	Nil

PART 'C'

(Para 44(iii) of Chapter Vi of Criminal Manual)

A. LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES

Rank	Name of witness	Nature of witness	Exh No
P.W.1	Bhagwan Haribhau Waware	Panch Witness	12
P.W.2	Tanaji Bandu Patil	Informant/injured	29
P.W.3	Vilas Satu Patil	Witness	45
P.W.4	Dipak Natha Chavhan	Witness	50
P.W.5	Dr. Laxmikant Shantaram Nalawade	M.O.	53
P.W.6	Sarjerao Dnyanu Patil	Complainant/I.O.	58

B. LIST OF DEFENCE WITNESSES - NIL

C. LIST OF COURT WITNESSES - NIL

A. LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS

Sr.No.	Exh.No.	Nature of Document
1	01	Exh.No.1
2	11	Plea of Accused
3	13	Spot Panchanama
4	30	First Information (वर्दी जबाब)
5	54	Injury Certificate
6	59	Notice u.s.209 of M.V. Act
7	60	Letter for examination of vehicle
8	61	Complaint
9	62	Statement of accused u.s. 313 of Cr.PC.

B. LIST OF DEFENCE EXHIBITS – NIL**C. LIST OF COURT EXHIBITS – NIL****D. MATERIAL OBJECTS – NIL**

JUDGMENT

(Delivered on 07th April 2026)

1. Accused is indicted for the offences punishable under section 279,337, 338 of the Indian Penal Code and under Section 184 of the Motor Vehicle Act.

2. *In brief, the case of the prosecution is as under: -*

On 3rd April 2016, at about 6:30 p.m., the informant Tanaji Bandu Patil parked his motorcycle in front of Hotel Citizen Palace and went to purchase Cadbury chocolates for his grandchildren from a shop located on the opposite side of the hotel. While returning from the said shop and when he was in front of Hotel Citizen Palace, a tempo bearing registration No. MH-09-CU-3598, coming from Bambawade towards Malkapur, dashed against him from the right side. Due to the impact, he sustained injuries to the right side of his head and back and fell unconscious on the road. Some persons present at the spot shifted him to Rural Hospital, Malkapur, and thereafter his brother Shivaji Patil took him to Apple Saraswati Hospital, Kolhapur for further treatment. During treatment at Apple Saraswati Hospital, he came to know that the tempo which had dashed him was a milk tempo belonging to Jyotirlinga Dairy

bearing registration No. MH-09-CU-3598 and that it was driven by the accused Ramesh Raghunath Patil. In the presence of his brother Shivaji Patil, Namdev Jamdar and Vitthal Jamdar, the accused promised to bear the medical expenses of the informant. However, on the day of discharge, i.e., 14/04/2016, when the informant tried to contact the accused, his mobile phone was switched off. Thereafter, due to headache and his mental condition, he was unable to lodge a complaint immediately. Teareafter informant Tanaji lodged report on 23/05/2016. Upon which Motor accident was reported vide 39/2016. The Motor accisent was investigated by complainant Sarjerao Dnanu Patil Police Head Constable. Upon investigation On 31/05/2016, the complainant Sarjerao Dnanu Patil lodged a report against the accused, upon which Crime No. 95/2016 came to be registered against the accused. After completion of the investigation, the Investigating Officer filed the final report.

3. My learned predecessor has framed particulars of offence against accused at Exh. 11. The record shows that, the contents in the plea were read over and explained to accused, he pleaded not guilty and claimed to be tried. The, prosecution has examined six witnesses. Incriminating material was found against the accused. Hence, statement of accused under Section 313(1)(b) of the Criminal Procedure Code, 1973 was recorded at Exh.62. The defence of accused appears to be of total denial.

4. I have gone through the record and heard the argument of Ld.A.P.P Smt. S.B. Chimate for prosecution and Ld. Advocate Shri. K. R. Powar for accused. The points for determination and my findings are as follows.

SR NO	POINTS	FINDINGS
1)	Does the prosecution prove that on 03/04/2016, at about 06:30 pm on Kolhpaur Ratnagir Road in front of Hotel Citizen Palace, Yelane accused drove tempo bearing registration No. MH-09-CU-3598, in such a manner so rash or negligent as to endanger the human life or likely to cause hurt or injury to human life and committed an offence under Section 279 of the I.P.C.?	Yes
2)	Does the prosecution prove that, on the above-mentioned date, place and time, accused drove tempo bearing registration number MH-09-CU-3598 in rash and negligent manner and caused simple hurt to injured Tanaji and committed an offence under Section 337 of the I.P.C.?	Yes
3)	Does the prosecution prove that, on the above-mentioned date, place and time, accused drove tempo bearing registration number MH-09-CU-3598 in rash and negligent manner and caused grievous hurt to injured Tanaji and committed an offence under Section 338 of the I.P.C.?	Yes
4)	Does the prosecution prove that, on the above-mentioned date, place and time, accused drove tempo bearing registration number MH-09-CU-3598 in in a manner which was dangerous to the public having regard to the circumstances of the case and committed an offence under Section 184 of the Motor Vehicles Act?	Yes

5)	What order?	Accused is convicted as per final order.
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REASONS

AS TO POINT NO. 1 TO 4 -

5. All the points are interconnected; hence taken up for the discussion together. In order to prove guilt of accused prosecution has examined 6 witnesses. The prosecution has examined the informant / injured, Tanaji (PW-2), at Exh. 29. He deposed that the accident occurred on 03/04/2016. On that day, he, along with his nephew Vilas Patil, was walking towards Malkapur on the left side of the road. While he was so walking, a tempo bearing No.3589 came from behind and dashed against him. Due to the impact, he fell on the road, sustained an injury to his head, and became unconscious. He was initially treated at the Government Hospital, Malkapur, and thereafter at Apple Saraswati Hospital, Kolhapur. He stated that he underwent treatment for fourteen days. He further deposed that he lodged a complaint (Exh. 30) against the accused at Shahuwadi Police Station. He identified the accused in Court, though he denied having any prior acquaintance with him.

6. During cross-examination, he deposed that the Yelane–Malkapur road is generally crowded and that vehicles usually move at a slow speed. He stated that he was walking on the left side of the road. He denied the suggestion that he had fallen on the road due to loss of balance. He admitted that he does not know what happened after he became unconscious. He further stated that he came to know the name

of the accused after about one and a half months, upon returning home after hospitalization. He also admitted that he learnt about the accident from other persons and that he lodged the report against the accused based on hearsay information. He stated that he does not know which vehicle had actually dashed against him. All other suggestions put to him were denied.

7. Prosecution has examined Vilas Satu Patil, nephew of the informant, as PW-3 at Exh. 45. He deposed that the incident occurred in front of Hotel Citizen Palace on 03/04/2016 at about 6:30 p.m. At that time, a Jotirling Milk Tempo bearing No. MH-09-3598 was proceeding from Bambawade towards Malkapur. He stated that he was standing near his motorcycle and the informant Tanaji was standing beside him to purchase some articles. At that time, the said tempo gave a dash to Tanaji. Due to the impact, Tanaji sustained injuries to his head and back. He further deposed that he called an ambulance and Tanaji was admitted to Rural Hospital, Malkapur. Thereafter, the tempo owner Ramesh Patil (accused) told them to shift Tanaji to Kolhapur for further treatment and agreed to bear the medical expenses. He further stated that the accident occurred due to the fault of the tempo driver and that he had personally witnessed the incident.

8. During cross-examination, he deposed that on the day of the incident he was working as a driver on a 102 Call Canter vehicle. He admitted that on the said day he had gone to the petrol pump for filling petrol. He further admitted that as per traffic rules vehicles are expected to move on the left side of the road and pedestrians are expected to walk on the right side of the road. He stated that he was present at the spot of the incident. He also admitted that the road at the spot of the

incident is narrow and therefore vehicles usually move at slow speed. He further stated that Tanaji was admitted to Apple Saraswati Hospital for treatment. He denied the remaining suggestions put to him during cross-examination.

9. Prosecution has examined eye-witness Dipak Natha Chavhan as PW-4 at Exh. 50. He deposed that on 03/04/2016, while he was returning home after purchasing mutton from Koparde Fata, a milk vehicle (Tata Carry tempo) gave a dash to Tanaji in front of Hotel Citizen Palace. He stated that the tempo was proceeding towards Pusale, whereas Tanaji was going towards Malkapur. The accident occurred at about 6:30 p.m. He further deposed that the tempo gave a dash to Tanaji from behind, due to which Tanaji fell down on the road and became unconscious. Thereafter, Tanaji was taken to the hospital by ambulance. He further stated that the accused was driving the tempo bearing No. MH-09-CU-3598 at the time of the accident and he identified the accused present before the Court.

10. During cross-examination, it has come on record that the road where the accident occurred is a busy road. He denied the suggestion that he cannot say how the accident occurred. He further denied the suggestion that injured Tanaji was walking on the wrong side of the road. He also denied the suggestion that Tanaji sustained injuries due to his own fault or negligence.

11. In order to prove injuries, the prosecution has examined Medical Officer Dr. Lakshmikant Nalawade as PW-5 at Exh. 53. He deposed that he has completed his education in B.H.M.S. and has also undergone training in Emergency Medical Services. He has been

working at Apple Saraswati Hospital since 2002 and is serving as a Senior Medical Practitioner. He further deposed that on 03/04/2016, patient Tanaji Bandu Patil was admitted to Apple Saraswati Hospital due to injuries sustained in an accident. He examined Tanaji and found that he had suffered subarachnoid hemorrhage with fracture of the right parietal bone. The patient was referred for a CT scan. He opined that the injuries were fresh in nature, grievous in nature, and caused by a blunt object. He further stated that such injuries are possible in a road traffic accident. He issued the medical certificate, which is produced at Exh. 54.

12. During cross-examination, he admitted that the injuries mentioned in the medical certificate could also be possible if a person falls on the ground due to dizziness. He denied the remaining suggestions put to him during cross-examination.

13. In order to prove the spot of the incident, the prosecution has examined spot panch Bhagwan Hariba Waware as PW-1 at Exh. 12. He deposed that on 25/05/2016, Police Head Constable Patil called him and Tanaji Patil in front of Citizen Palace Hotel on Ratnagiri–Kolhapur Road. Another panch Ananda Patil, Tanaji Patil and the Head Constable were present at the spot of the incident. The panchanama was prepared regarding the spot of the incident. He further deposed that the contents of the panchanama are true and correct and the said panchanama is accordingly marked at Exh. 13.

14. The accused failed to cross-examine this witness; therefore, the evidence of this witness has gone unchallenged and no cross-examination order has been passed against the accused.

15. Prosecution has examined complainant as well as investigating officer PW-6 Sarjerav Dnyanu Patil. He deposed that in the year 2016 he was serving as a Police Constable at Shahuwadi Police Station. He stated that on 23/05/2016, while he was acting as the Station In-charge, the informant Tanaji Bandu Patil lodged a report stating that on 03/04/2016 at about 6:30 p.m., in front of Hotel Citizen Palace, while Tanaji was walking on the road, a tempo bearing registration No. MH-09-CU-3598 dashed against him from the left side. He further deposed that, based on the said information, Motor Accident Report No. 31/2016 was registered. As per the oral directions of the Police Inspector, the investigation of the said motor accident was entrusted to him. On 25/05/2016, he visited the spot of the incident and prepared the spot panchanama (Exh. 13) and a rough sketch map (Exh. 13-A) in the presence of the informant and panch witnesses. Thereafter, he recorded the statements of witnesses and issued notice (Exh. 59) to the accused under Section 209 of the Motor Vehicles Act. He further stated that he conducted an inspection of the vehicle, i.e., the tempo, through the Bus Depot at Malkapur by issuing a letter (Exh. 60). Upon completion of the investigation, he found that the accused had driven the tempo bearing registration No. MH-09-CU-3598 in a rash and negligent manner and had dashed against the informant Tanaji. Accordingly, he lodged the complaint (Exh. 61).

16. In his cross-examination, it has come on record that he did not inquire whether any complaint had been lodged by the relatives of the informant while the informant was undergoing treatment in the hospital. He further admitted that he had not collected any documents pertaining to the ownership of the vehicle. He also admitted that, after the alleged accident, the vehicle was found to be in good condition

without any defects. He further stated that he was informed that the incident had occurred on 03/04/2016 at about 6:30 p.m., whereas the report was lodged on 23/05/2016. He denied the suggestions put to him that a false complaint had been filed.

17. Before proceeding to appreciate the evidence on record, it would be appropriate to consider the arguments advanced by both sides. Learned A.P.P. Smt S.B. Chimte argued that, on the basis of the cogent and reliable evidence on record, the prosecution has successfully proved its case beyond reasonable doubt. It is submitted that the testimony of eye-witnesses PW-3 and PW-4 clearly establishes that the accused was driving the offending tempo in a rash and negligent manner and dashed the informant from behind. Their evidence is consistent, trustworthy, and duly corroborated by the medical evidence of PW-5, which proves that the informant sustained grievous injuries in the said accident. It is further contended that though the informant PW-2 could not identify the accused due to his unconscious condition, the same is natural and does not affect the prosecution case, as the identity of the accused and the vehicle is firmly established through the eye-witnesses. The evidence of the Investigating Officer PW-6 further supports the prosecution case and proves the due course of investigation. It is also argued that merely because the vehicle was found in good condition or that the road was busy does not absolve the accused of liability, particularly when there is no evidence of contributory negligence on the part of the informant. Therefore, it is submitted that the accused has committed offences punishable under Sections 279, 337, and 338 of the Indian Penal Code, and hence, he be convicted and suitably punished in accordance with law.

18. On the other hand; Ld. advocate for the accused Shree. K. R. Powar argued that the prosecution has failed to prove its case beyond reasonable doubt and that the evidence on record is full of material contradictions and omissions. It is contended that the informant himself has categorically admitted that he became unconscious immediately after the incident and does not know which vehicle caused the accident, and that his complaint is based on hearsay information. It is further argued that there is an unexplained delay in lodging the report, which creates serious doubt about the prosecution case. The learned counsel also submitted that the alleged eye-witnesses are interested witnesses and their presence at the spot is doubtful. Moreover, the vehicle was found to be in good condition without any damage, which probabilizes that no such accident occurred in the manner alleged. It is also contended that the road was busy and narrow, and the possibility of the informant falling due to his own negligence cannot be ruled out. Hence, it is prayed that the accused be given the benefit of doubt and be acquitted.

19. The crucial question to determine in Section 279 of the I.P.C. is that the accused was driving his vehicle on a public way in a manner so rash and negligent which endangered human life or was likely to cause hurt or injury to any other person. Therefore, for bringing an application of Section 279 of the I.P.C, it must be established that there was an element of rashness or negligence, which was such as to endanger human life or was likely to cause hurt or injury to any other person. By and large, section 184 of the M.V. Act is similar to section 279 of the I.P.C.

20. The definition of the expression 'rashness and criminal negligence' as defined by Straight, J. in *Empress of India v. Idu Beg (1881) 3 All 776* which has been referred with approval by the Hon'ble Supreme Court in *Bhalchandra Waman Pathe v. The State of Maharashtra, Crl.A. No.62 of 1965* decided on 20.11.1967 and again in *S.N. Hussain Vs . State of Andhra Pradesh, : 1972 Cri.L.J 496* which reads as under:

'Rashness consists in hazarding a dangerous or want on act with the knowledge that it is so, and that it may cause injury. The criminality lies in such a case in running the risk of doing such an act with recklessness or indifference as to the consequences. Criminal negligence on the other hand, is the gross and culpable neglect or failure to exercise that reasonable and proper care and precaution to guard against injury either to the public generally or to an individual in particular, which having regard to all the circumstances out of which the charge has arisen, it was the imperative duty of the accused person to have adopted.'

21. In the background of arguments advance, evidence on record and legal provisions lets move towards appreciation of evidence. On a careful and conjoint appreciation of the evidence of all the prosecution witnesses, it emerges that the factum of the accident and the injuries sustained by the informant Tanaji stands duly established. The testimony of PW-2 Tanaji clearly proves that he sustained injuries in a road traffic accident on 03/04/2016; however, his evidence regarding identification of the offending vehicle and the accused requires cautious consideration. In his cross-examination, he has categorically admitted that he became unconscious immediately after the impact and had no knowledge of the subsequent events. He further admitted that he came

to know about the accused and the vehicle after about one and a half months and that his report was based on hearsay information. Therefore, it would not be safe to rely upon his testimony for identification of the vehicle and the driver. The registration number deposed by him is different than case of prosecution; however, considering age of witness and fact of his unconsciousness it will not be fatal to prosecution and this aspect does not demolish the prosecution case in its entirety. It is quite natural that a victim who suffers a sudden impact from behind and becomes unconscious would not be in a position to identify either the vehicle or its driver. Hence, inability of PW-2 to identify the accused is natural and does not adversely affect the core prosecution case.

22. In this context, the evidence of eye-witnesses assumes significance. PW-3 Vilas Patil and PW-4 Dipak Chavhan have categorically deposed about the occurrence of the accident. Both witnesses have consistently stated that the tempo bearing registration No. MH-09-CU-3598 dashed the informant from behind and have identified the accused as the driver of the said tempo. Their presence at the spot appears natural and probable. Nothing material has been brought on record in their cross-examination to discredit their testimony, and their evidence inspires confidence.

23. The medical evidence of PW-5 Dr. Nalawade further corroborates the prosecution case by establishing that the informant sustained grievous head injuries, which are possible in a road traffic accident caused by a blunt force impact. The spot panchanama (Exh. 13), proved through PW-1, also supports the prosecution case regarding the place of occurrence.

24. So far as the evidence of PW-6 Sarjerao Dnyanu Patil, the Investigating Officer, is concerned, his testimony proves the steps taken during the course of investigation, including registration of the Motor Accident Report, preparation of the spot panchanama and rough sketch map, recording of statements of witnesses, issuance of notice to the accused, and inspection of the offending vehicle. His evidence connects the chain of circumstances and lends assurance to the prosecution case. Though certain omissions have been brought on record in his cross-examination, such as non-collection of ownership documents and delay in lodging the report, these are not of such a nature as to discredit the otherwise reliable ocular evidence of the eye-witnesses. His evidence remains consistent with the prosecution version that the accident occurred due to the rash and negligent driving of the accused.

25. Thus, though the informant himself could not identify the accused due to his unconscious condition, the consistent and reliable testimony of eye-witnesses PW-3 and PW-4, duly corroborated by medical, documentary, and investigative evidence, sufficiently establishes that the accused was driving the offending tempo and that the accident occurred due to his rash and negligent act.

26. Moving further; the delay in lodging the report has been satisfactorily explained by the prosecution. The evidence on record shows that the injured Tanaji had sustained serious injuries and was undergoing treatment in the hospital for a considerable period, which naturally prevented him from approaching the police immediately. Moreover, it has come in evidence that the accused had assured to bear the medical expenses of the injured, which reasonably caused the informant to refrain from initiating immediate legal action. In such

circumstances, the delay in lodging the report cannot be termed as fatal to the prosecution case.

27. Additionally; it is evident that the collision in the present case was between a motor vehicle and a human being, and therefore, the fact that the vehicle was found to be in good condition at the time of inspection cannot be construed in favour of the accused. The absence of mechanical defects does not rule out negligent driving, particularly when the impact was with a pedestrian. It has come on record through the evidence of witnesses that the road at the spot of the incident is usually busy and that vehicles generally move at a slow speed. However, even in such circumstances, nothing has been brought on record to show that the injured Tanaji was in any way at fault or contributed to the occurrence of the accident. On the contrary, the consistent testimony of the eye-witnesses establishes that the accused drove the tempo in a rash and negligent manner and dashed the informant from behind. Hitting a pedestrian from behind itself indicates lack of due care and caution on the part of the driver. The nature of injuries, as proved by medical evidence, further shows that the impact was significant, resulting in grievous head injury to Tanaji. Thus, the prosecution has successfully established that the accused, by driving the vehicle in a rash and negligent manner, caused the accident and inflicted grievous injuries upon the informant.

28. In the conclusion it is evident that; in light of the oral and documentary evidence on record, the acts of the accused clearly attract the provisions of Sections 279, 337, and 338 of the Indian Penal Code, as well as section 184 of the Motor Vehicles Act. The evidence of eye-witnesses establishes that the accused was driving the tempo on a public

road in a rash and negligent manner, without exercising reasonable care expected of a prudent driver, thereby endangering human life. The fact that the accused dashed the informant from behind on a busy road itself indicates that he failed to maintain proper control and vigilance, which is essential while driving in an area with expected pedestrian movement. Such conduct squarely falls within the meaning of “rash and negligent driving” under Section 279 IPC. Further, as a direct consequence of this act, the informant sustained injuries, thereby attracting Section 337 IPC. The medical evidence Exh. 54, however, clearly proves that the injuries were grievous in nature, thus bringing the case within the ambit of Section 338 IPC. Additionally, considering the nature of the road, the presence of traffic, and the likelihood of pedestrians, the manner in which the vehicle was driven can also be termed as dangerous to the public, thereby satisfying the ingredients of the relevant provision under the Motor Vehicles Act. Hence, the prosecution has successfully established that the accused, by his rash and negligent driving, endangered human life and caused grievous hurt to the informant.

29. In view of discussion supra, I am convinced that the accused drove tempo bearing number MH09CU3598 in rash and negligent manner so as to endanger human life or likely to cause hurt or injury to the pedestrian. In doing so, he drove the temp at a speed or in a manner which was dangerous to the pedestrians having regard to the circumstances of the case. Moreover, by his rash and negligent act, the accused caused simple as well as grievous injuries to the informant / injured Tanaji. Accordingly, I answered point no. 1 to 4 in affirmative.

AS TO POINT NO.5 -

30. The prosecution has proved its case beyond all reasonable doubts. The evidence adduced by the prosecution is inconsistent with the innocence of the accused. Importantly, it is consistent with his guilt. Therefore, I hold him guilty for the offences punishable under sections 279, 337 and 338 of the I.P.C and section 184 of the M. V. Act. He stands convicted accordingly.

31. Considering the nature and gravity of the offence and the manner in which it was committed, this Court is not inclined to extend the benefit of the Probation of Offenders Act to the accused. The evidence on record clearly establishes that the accused drove the vehicle in a rash and negligent manner on a public road and caused grievous injuries to the informant, thereby endangering human life. Such offences cannot be treated lightly, particularly when they involve disregard for the safety of pedestrians. Further, it has come in the evidence of prosecution witnesses that the accused had assured to bear the medical expenses of the injured; however, this material aspect has remained unchallenged by the accused during trial, thereby lending credence to the prosecution case and indicating his implicit involvement in the incident. Despite such assurance, the accused failed to fulfil the same and even avoided contact with the informant. In these circumstances, the conduct of the accused, coupled with the seriousness of the offence, does not justify granting him the benefit of probation, and therefore, he is not entitled to the relief under the Probation of Offenders Act.

32. Heard the accused in person, his Learned Advocate and Learned APP for the State on the question of sentence. The Learned

Advocate for the accused submitted that, the offence proved against the accused is his first offence. He is a driver by profession. He is the only earning member of his family. Therefore, leniency be shown to him in sentencing. As against this, the Learned APP for the State submitted that, maximum sentence be imposed upon the accused in order to extend justice to the victims of the accident.

33. I have considered the submissions of both the sides. Sentencing, as is believed, is the public face of the criminal justice system. A sentence imposed by the Courts should have a deterrent effect more so when accident cases are on the rise. Courts are required to ensure that whenever an accused is found guilty, he does not escape the clutches of law gently. Sentencing discretion has to be exercised considering the facts of the case. In the case at hand, the accident occurred due to the rash and negligent driving of the accused. Resultantly, the pedestrian Tanaji suffered grievous as well as simple injuries and hospitalized for 14 days. The Hon'ble Supreme Court of India and the Hon'ble High Court of Bombay have time and again reiterated that the offence punishable under sections 304A or 279 of the I.P.C., if established, no leniency should be shown to the accused. A sufficient deterrent punishment within the limits of law is mandated. Thus, in view of the facts of the case at hand, I pass the following order to meet the ends of justice.

ORDER

1. The accused Ramesh Raghunath Patil is hereby convicted for the offences punishable under sections 279, 337, 338 of the I.P.C. and Section 184 of the M.V. Act Act vide section 255(2) of the Code of Criminal Procedure and he is sentenced as under.

- a) For offence punishable under section 279 of the I.P.C., he is to suffer simple imprisonment for one month and to pay fine of Rs.1000/(In words rupees one thousand). In default of fine, to undergo simple imprisonment for fifteen days.
- b) For offence punishable under section 337 of the I.P.C., he is to suffer simple imprisonment for one month and to pay fine of Rs.500/(In words rupees five hundred). In default of fine, to undergo simple imprisonment for seven days.
- c) For offence punishable under section 338 of the I.P.C., he is to suffer simple imprisonment for six months and to pay fine of Rs.1000/(In words rupees one thousand). In default of fine, to undergo simple imprisonment for fifteen days.
- d) For offence punishable under section 184 of the M. V. Act, he is to suffer simple imprisonment for one month and to pay fine of Rs.1000/(In words rupees one thousand). In default of fine, to undergo simple imprisonment for fifteen days.

2. The above-mentioned sentences to run concurrently.
3. As per section 357(b) entire fine amount be given to injured Tanaji Bandu Patil as compensation.
4. The accused to surrender his bail bonds.
5. The copy of the judgment be given to the accused free of cost.

(Judgment dictated and pronounced in the open Court.)

Place: Shahuwadi
Date: 07/04/2026.

(P. B. Pawar)
Judicial Magistrate, First Class,
Malkapur-Shahuwadi, Dist. Kolhapur

CERTIFICATE

I affirm that the contents of this [P.D.F.](#) file judgment are same, word to word, as per the original judgment.

Name of the Stenographer	P. A. Vasudeo
Name of Court	P. B. Pawar, C.J.J.D & J.M.F.C. Malkapur-Shahuwadi
Date of Dictation	07/04/2026
Judgment signed by the P.O.on	07/04/2026
Judgment uploaded on	07/04/2026