

MHCC020155532024



**IN THE COURT OF SESSIONS FOR GR.BOMBAY  
AT BOMBAY  
ORDER BELOW EXH.1  
IN  
SESSIONS CASE NO. 850 OF 2024**

**1. The State of Maharashtra**  
(Through, Worli Police Station)

**... Complainant**

**V/s.**

**1. Rajesh Damji Shah**  
Age: 56 years, Occu.: Business,  
R/at: 1804, Rajashri Tower,  
Exer Road, near Jain Temple,  
Borivali (W), Mumbai-400092.

**2. Rajrushi Rajendrasingh Bidawat**  
Age: 30 years, Occu.: Service  
R/at: room No.718, Omdarshan Building,  
A-Wing, Sodawala Lane, Exer Road,  
Borivali (W), Mumbai-400092.

**3. Mihir Rajesh Shah**  
Age: 23 years, Occu.: Business,  
R/at: Flat No.1804,  
Rajashri Tower, Exer Road,  
near Jain Temple, Boriwali (W),  
Mumbai-400092.

**... Accused**

**Appearance:**

Ld. Adv Nitin Sejpal for accused.

Ld. APP Ashwini Rayakar for State.

**CORAM : HIS HONOUR THE ADDL.SESIONS  
JUDGE SHRI. Anil D.Salunkhe(C.R.NO.56)  
DATED : 10.06.2026**

**(DICTATED AND PRONOUNCED IN OPEN COURT)  
ORAL ORDER**

1. Heard APP as well as advocate for accused on point of framing of charge in crime no.378 of 2024 for the offence punishable under Sections 105, 281, 125(b), 238, 324 (4) of the Bhartiya Nyaya Sanhita (BNS), 2023, along with Section 184, 185, 134 (A)(B) 187, 122/183 of Motor Vehicle Act, 1988, Sections 146/196, 115(7)/190, 100(2)/177, 92/177(A) of Central Motor Vehicle Act 1989, Sections 9(1)/177, 17/177(A), 12(3CC)/177, 12(1)(B)/177 of Motor Vehicle Driving Rules, 2017.

2. In short, as per case of prosecution, informant Pradeep Liladhar Nakhva alleged that on 07.07.2024 at around 5:25 a.m., he alongwith his wife Kaveri, aged 45 years proceeded on their Suzuki Access scooter MH-01-DU 6418 towards Worli Koliwada. When they reached Ceejay House, near Landmark Jeep Showroom on Dr. Annie Besant Road, Worli, they were hit by a white colour car being driven in high speed and the impact of it was so powerful that both of them were lifted from the vehicle and hit the bonnet and he fell on the side way, but his wife Kaveri fell in front and was caught in the front wheel and

bumper of the car. Despite this, the person driving the car continued to drive it with reckless speed dragging her from Ceejay House to Worli Sea link T Junction. Pradeep i.e. complainant noticed the person on the driving seat to be a young man between 22 to 25 years with long face having beard, whereas a middle aged person was occupying the seat next to the driver seat. He garnered all his courage and stood up and took note that the fleeing car was a white colour BMW with numberplate MH-48-AK 4554. Realizing that his wife was caught between the bumper and the left wheel of the vehicle, he chased the car, but being over weight, he could not match its speed. In the meantime, since he noticed a taxi on the road, he stopped the same and boarded the same in search of his wife and travelled a long distance, but could not trace her. Pradeep, approached Worli Police Station and while he was in the process of lodging the complaint, information was received on wireless, that one unknown woman was found lying in an injured condition on the sea link and she was being taken to hospital. It is further alleged that he, along with the police personnel, reached Nair Hospital, where he identified the women to be his wife, who was dead as she has sustained serious injuries. The aforesaid reporting of the incident by Pradeep Nakhwa resulted into registration of C.R. No.378 of 2024 for the above mentioned offences on 07.07.2024.

3. Upon registration of the offence, the spot panchnama was drawn and the CCTV footages along the road were collected, which identified the car responsible for the accident to be of BMW company bearing No. MH 48 AK 4554. From the CCTV footage, it was revealed that the offending car proceeded in direction of Bandra from Sea link and therefore, a squad comprising of Police Inspector Chavhan K, and

A.S.I. Suttar accompanied with others proceeded in the direction, and while they were proceeding to Kala Nagar, at the Kalanagar Junction Flyover, before the mount, they noticed the car in a broken condition. Two persons were standing near the car and even the towing van was also standing nearby. Accordingly, investigation officer seized said BMW Car on 07.07.2014, arrested accused nos.1 and 3 on 07.07.2024 and thereafter arrested present accused No.2 Mihir on 09.07.2024. On completion of investigation, Investigating officer filed charge-sheet relates to present Crime No. 378/2024 against accused Nos. 1 to 3 for the above offences before JMFC (court No.62) Sewree, Mumbai. As the offence punishable u/s 105 of the IPC is exclusively triable by the court of sessions. So Ld.JMFC committed the case No. CC/6201092/PW/2024 to the court of Session by passing order vide Exh.1 on 03.10.2024. So same is registered as Session Case No. 850/2024 and assigned to this court for disposal of the same according to the law.

4. Ld. Adv Mr. Sejpal for accused during his argument submitted that, accused No.1 Rajesh Shah is innocent person and he has not committed any act which amounts to any of the offence as alleged. According to him, as soon as Rajesh Shah received information about alleged incident, he did not commit any act which amounts to causing disappearance of evidence of offence, or giving false information to screen offender etc. on the contrary Mr. Rajesh Shah co-operated to the investigation, but police arrested him in absence of anything incriminating against him. So prayed for accused Rajesh be discharged from CR No.378/2024. As regards to point of framing charge against accused Nos. 2 and 3, Ld advocate for accused submitted that, the contents in FIR and investigation papers shows allegations in the form

of alleged act done with knowledge and in absence of intention to caused death. Therefore, second part of Section 105 i.e. relates to word 'knowledge' is considerable while framing charge and no question of framing charge by treating the alleged act committed by accused Nos. 2 and 3 with intention arise. As regards to the remaining sections levelled against accused Nos. 2 and 3, Ld. Advocate for accused submitted to pass appropriate order.

5. On the contrary, the Learned APP submitted that, there is sufficient prima facie evidence which would suggests that accused Nos. 2 and 3 are responsible for the homicidal death of one lady i.e. Kaveri and for causing injuries to the complainant Pradeep Nakhva. As regards to role of accused No.1 Rajesh Ld. APP submitted that, as soon as accused No.1 Rajesh received information about the alleged incident, he, inspite of having knowledge about the drunken condition of the accused Mihir and having reason to believe that an offence has been committed, intentionally helped and supported him to keep away from his arrest and medical examination. Not only this according to the APP, accused No.1 Rajesh also acted with intention to cause disappearance of evidence relates to alleged incident and therefore investigation officer has rightly arrested him and impleaded him in present case. So prayed for request made by advocate for accused to discharge accused No.1 Rajesh be rejected. According to APP, accused Nos. 2 and 3 also committed alleged incident with intention and knowledge. So prayed for charge be framed against all accused for offences levelled against them.

6. In view of submission from both sides on point of framing charge and investigation papers i.e. charge-sheet before me, I would like to mention here, in the case of ***Dilawar Balu Kurane Vs. State of Maharashtra, AIR 2002 SC 564***, the Hon'ble Apex Court has held that:

*“In exercising powers under Section 227, the settled position of law is that the Judge, while considering the question of framing of charges under the said section, has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained, the Court will be fully justified in framing the charge.”*

7. In the light of the law laid down in the above case, I have carefully scanned the prima facie evidence collected by the Investigating Officer to ascertain whether the material on record discloses grave suspicion against the accused regarding the commission of the alleged crime. Considering the rival submissions and the entire investigation papers placed before me, as well as the settled position of law at the stage of framing of charge, it is essential to mention here that the contents of the FIR as well as the statements of witnesses show that on 07.07.2024, accused Mihir drive the seized car i.e. BMW MH48AK4554 in high speed and the impact of it was so powerful that complainant Pradeep and deceased Kaveri i.e. husband and wife were lifted from the vehicle and hit the bonate and informant fell on the side way but his wife Kaveri fell in front and was caught in the front wheel and bumper of the car. Despite this the accused drive the car continuously with reckless speed dragging her from Ceejay House to Worli Sea Link T.Junction. Complainant Pradeep garnered all his courage and stood up

and took note that fleeing white colour BMW car having number plate MH48AK4554. He chased the car but being the overweight he could not match its speed. Then he stopped another taxi on the road and boarded in the same in search of his wife and traveled a long distance but could not trace her. So, he approached Worli police station and while he was in the process of lodging the complaint, information was received on wireless that one unknown woman was found lying in an injured condition on the sea link and she was being taken to hospital. So, Pradeep along with the police reached at Nair hospital where he identified dead body of his wife Kaveri and he was sustained serious injuries. So, prima facie, considering the mode and manner of alleged incident and its consequences, in my view accused Nos. 2 and 3 drive the vehicle in question in rash and negligent manner and considering the mode and manner of their role, while driving the vehicle, creates grave suspicion leads to prima facie hold that, accused Nos. 2 and 3 were having intention or knowledge that by their act they will caused body injury or death of victim Kaveri. In my view, the act of accused Nos. 2 and 3 during the driving of vehicle in question comes within the verdict of Section 105 of the B. N. S. 2023 as well as other offences levelled against them.

8. In short, considering the rival submissions and investigation papers before me i.e. charge-sheet, prima facie investigation papers on record shows or establishes/suggest/ create grave suspicion that accused No.1 Rajesh with knowledge or having reason to believe that, serious offence has been committed by accused Nos. 2 and 3, acted with intention to cause disappearance of evidence

of offence or giving false information to screen offender. Therefore, considering the settled legal position as per observation of Hon'ble Apex Court in the case of *Dilavar Balu cited supra* and record before me, the submission made by advocate for accused as regards to accused No.1 Rajesh as well as accused Nos. 2 and 3 are not considerable. Therefore there is sufficient material against accused Rajesh to frame charge against him for the offence punishable under Section 238 of the B. N. S. 2023.

9. In the circumstances, in the light of all above discussion according to me, there is sufficient material/evidence on record against accused Nos. 2 and 3 for framing of charge for the offence punishable under Section 105, 281, 125(b), 238, 324 (4) of the Bhartiya Nyaya Sanhita (BNS), 2023, along with Section 184, 185, 134 (A)(B) 187, 122/183 of Motor Vehicle Act, 1988, Sections 146/196, 115(7)/190, 100(2)/177, 92/177(A) of Central Motor Vehicle Act 1989, Sections 9(1)/177, 17/177(A), 12(3CC)/177, 12(1)(B)/177 of Motor Vehicle Driving Rules, 2017.

Digitally signed  
by ANIL  
DATTATRAYA  
SALUNKHE  
Date:  
2026.06.10  
17:58:52 +0530

(Anil D.Salunkhe)  
Addl.Sessions Judge,  
City Civil and Sessions Court,  
For Greater Bombay

Date : 10.06.2026

Dictated on : 10.06.2026  
Typed on : 10.06.2026  
Signed on : 10.06.2026

“ CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL  
SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME : 10.06.2026 at 5.55 p.m.  
NAME OF STENOGRAPHER : Mrs. Samruddhi Jadhav  
Stenographer Gr. I

NAME OF THE JUDGE	<b>HHJ SHRI.Anil D. Salunkhe (C.R.No.56)</b>
Date of Pronouncement of Order	10.06.2026
Order signed by the P.O. On	10.06.2026
Order uploaded on	10.06.2026