



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 4th OF FEBRUARY, 2026

MISC. CRIMINAL CASE No. 1241 of 2013

THE STATE OF MADHYA PRADESH

Versus

UDAH SINGH DHURVEY AND OTHERS

.....
Appearance:

Shri Dinesh Prasad Patel - Government Advocate for the applicant/State.

Shri Vineet Mishra - Advocate for the respondents.
.....

ORDER

Being aggrieved by the judgment of acquittal dated 06.11.2012 passed by Judicial Magistrate First Class, Rajendragram, District-Anuppur (MP) in Criminal Case No.179/2007 whereby learned Trial Court has acquitted the accused (respondents herein) from the charges under Section 304-A of IPC. Assailing the aforesaid judgment, this petition under Section 378 (III) of CrPC for grant of leave to appeal has been filed.

2. Brief facts given rise to the present petition are that as per the prosecution case, on 6/4/2006, some students of Kanya Ashram, Amarkantak fell ill after taking their evening meal, suffering from vomiting and *diarrhea*. Three students being critically ill died. Other students were also referred to hospital for treatment. Subsequently, FIR has been registered.

3. Heard learned counsel for the parties and perused the impugned judgement and material available on record.



4. Upon perusal of the record, it is evident that presence of the insecticide Began in the vomit of one of the deceased students as well as in the *viscera* of all three deceased students, establishes beyond doubt that the insecticide was present in the food on the alleged date of the incident. The question arises whether the presence of the insecticide in the food constitutes an act by the accused that falls within the ambit of “causing death by negligence” under Section 304-A of IPC. Such a rash or negligent act must be the proximate cause of death. It appears that the learned Trial Court overlooked these critical facts and erroneously proceeded to acquit the accused (the respondents herein) of the aforementioned offences.

5. Considering the material available on record, this Court finds it to be a fit case to grant leave to applicant to file the appeal. Hence, this petition is allowed. Leave to appeal is granted.

6. Office is directed to register this MCrC into Criminal Appeal and list the same before the appropriate Bench as per roster.

7. Accordingly, the present MCrC stands disposed of.

(B. P. SHARMA)
JUDGE