

SC No. 27539/16 (Old No. 1/2015)
State Vs. Ashok @ Pushkar
FIR No. 532/14
PS : Subzi Mandi

03.04.2018

Present : Sh. Alok Saxena, Ld. Addl. PP for the State.
All accused persons namely Ashok @ Pushkar, Vijay,
Joginder @ Yoginder, Inderjeet @ Poppy and Anil
Kumar produced from JC.
Sh. Naveen Gaur, Ld. Counsel for all the accused
persons.

An application for grant of interim bail filed on
behalf of applicant/accused Anil @ Sonu is pending. The same is
taken up for hearing.

Ld. Counsel for applicant submits that the applicant
had earlier suffered from Jaundice and that he was not provided
appropriate medical treatment. It is argued that the condition of
the applicant has deteriorated in jail. He submits that the
applicant is to be provided medical treatment in a private
hospital.

Let report be called from Medical Officer of
concerned Jail about the present condition of accused Anil @
Sonu and as to whether the accused needs further treatment for
the illness described in the application. Copy of the application
be sent to the Medical Officer of the concerned Jail, to be served
upon him by the Jail Superintendent.

An application under Section 311 of Criminal Procedure Code filed on behalf of prosecution is pending. The same is taken up for hearing.

Ld. Addl. Public Prosecutor submits that the prosecution wishes to examine PW36 Dr. Rajesh Kumar. He submits that PW36 Dr. Rajesh Kumar was earlier examined on 06.02.2018 but subsequent opinion regarding nature of weapon and other material point could not be asked from him inadvertently as same were subsequently filed with supplementary charge-sheet. He submits that this witness is material for just decision of the case. He submits that the said doctor may be summoned.

Ld. Counsel for accused persons submits that he has no objection if the request of the prosecution is allowed.

I am guided by the following observations of Hon'ble Supreme Court in the case of Zahira Habibullah Sheikh and Anr v. State of Gujarat and Ors. CrI. Appeal No. 446-449 of 2004 decided on 08.03.2006:

“The object underlying Section 311 of the Code is that there may not be failure of justice on account of mistake of either party in bringing the valuable evidence on record or leaving ambiguity in the statements of the witnesses examined from either side. The determinative factor is whether it is essential to the just decision of the case”.

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For just decision of the case, the application is allowed.

Let summons be issued to Dr. Rajesh Kumar, Assistant Professor, Department of Forensic Medicine and Toxicology, Army College of Medical Sciences, Delhi Cantt., Delhi for next date of hearing.

Renotify for PE on 24.04.2018.

(Ashish Aggarwal)
ASJ-03 (Central)/THC/03.04.2018