

10 SC 30/2012 44487/2015
STATE Vs. RADHEY SHYAM MISHRA
FIR No. 521/2005
(Welcome)

20.11.2025

Present: Sh. Rajesh Kumar, Ld. Addl. PP for the State.
Both accused are absent and permanently exempted through
their counsel vide order dated 18.01.2020.
Sh. Narendra Thakur, Ld. Counsel for both the accused.
No PW is present.

A request is received on behalf of PW HC Bijender that on
account of illness he is unable to attend the court.

Summons issued to PW ASI Raj Pal Singh could not be
served since he is also retired from service and is a resident of out side
Delhi.

At this stage, it is submitted by Ld. Addl. PP for the State
that PW HC Bijender is a witness relating to the fact that he had
collected the viscera sample from MHCM and had submitted the same
with FSL for expert opinion. Further PW Ct. Anil at serial no.10 of the
list of prosecution witnesses is also only a witness to the fact that after
the collection of the viscera of the deceased, he handed over the same to
the IO to subsequently deposit the same with malkhana Incharge.

It is also stated that however, as per the FSL report dated
28.07.2006 relating to the viscera examination, on chemical TLC and
GC-MS examination, metallic poison, ethyl and methyl alcohol, cyanide,
phosphide alkaloids, barbituraees, tranquillizers, amlodipine and
insecticides could not be detected in the exhibits.

In view of the submissions, since the FSL result report on

viscera examination does not disclose the presence of any of the abovesaid substance on examination, there is no fruitful purpose of examination of the concerned expert as the same shall be a futile exercise and would not help the prosecution to prove anything against the accused persons on the basis of the said FSL result report.

Accordingly, the expert Sh. Sri Narayan, Senior Scientific Officer (Chemistry) FSL, who prepared the viscera report dated 28.07.2006 as well as PW Ct. Anil and PW HC Bijender who are also only witnesses to the proceedings relating to the collection of the viscera of the deceased and its submission with the IO and then to the FSL, are hereby stands dropped from the list of prosecution witnesses and the request of the Ld. Addl. PP for the State to summon the said witness also for the purpose of PE is declined.

Let fresh summons be issued to PW Dr. A. Sama and PW Gurdeep to be served through IO/ SHO concerned for the next date of hearing.

Put up for PE on **21.11.2025**.

(BALWINDER SINGH)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/20.11.2025