

GJGS040043632025



C.C. No. 3494/2025

**ORDER ON APPLICATION FOR FURTHER
INVESTIGATION FILED U/S. 193(9) OF BNSS**

1. The learned Assistant Public Prosecutor, Shri A. G. Gamit, on behalf of the prosecution, has filed the present application under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is submitted that the present case is pending before this Court and a charge sheet has already been filed against the accused for the offence punishable under Section 199A(1) of the Motor Vehicles Act, 1988. It is further submitted that at the time of framing of charge/plea, it came to the notice of the prosecution that the accused Yasin Alibhai Khojazada had allegedly permitted his minor son Mohammad alias Shabirbhai Khojazada to drive motorcycle bearing Registration No. GJ-32 P 5207 for going to school without holding a valid driving licence. However, upon perusal of the charge sheet and investigation papers, it is found that the original documentary proof regarding the age of the said minor, such as birth certificate, original Aadhaar card and school identity card, has neither been seized nor produced on record. It is also found that the original Registration Certificate (RC book) of the said motorcycle has not been seized and is not part of the investigation papers. Further, no additional statements have been recorded in this regard.

Therefore, it is submitted that essential evidence required to establish the ingredients of the alleged offence has not been collected. Hence, the learned APP prays that this Court may be pleased to permit further investigation and pass appropriate orders in the interest of justice.

2. It is settled law that while considering an application seeking permission for further investigation under Section 193(9) of BNSS, the Court is primarily required to examine whether such further investigation is necessary in the interest of justice. At this stage, the prayer is only for permitting further investigation, which is in continuation of the earlier investigation and is intended to bring relevant additional material on record. The accused does not acquire an indefeasible right of hearing at this stage merely because such permission is sought, particularly when the trial has not commenced in the sense of recording of evidence. Even otherwise, this Court is of the view that no prejudice would be caused to the accused by permitting further investigation, as any supplementary report and additional documents collected during further investigation shall be supplied to the accused in accordance with law, and the accused shall have full opportunity to contest the same during the course of trial.
3. Upon a careful and holistic examination of the charge sheet and the investigation papers placed on record, this Court finds that certain material documents, which are necessary for proper adjudication of the offence alleged under Section 199A(1) of the Motor Vehicles Act, appear to have remained uncollected during

the course of investigation. It is specifically pointed out that although the allegation is that the accused permitted his minor son to drive the motorcycle without a valid driving licence, the original documentary proof regarding the age of the said minor, such as birth certificate, Aadhaar card and school identity card, has not been seized or placed on record, and further, the original Registration Certificate (RC book) of the motorcycle has also not been seized. In the opinion of this Court, such documents are vital for establishing the foundational facts of the prosecution case, and absence of the same may adversely affect the fair trial and proper appreciation of evidence. In such cases, the age of the alleged minor driver and the ownership/registration particulars of the vehicle are material facts which go to the root of the matter. Proof of minority is essential for establishing the ingredients of the offence. Similarly, the Registration Certificate of the vehicle is a relevant document to establish ownership and linkage of the accused with the offending vehicle.

4. In the present case, the prayer of the prosecution is not for filling up lacuna artificially, but for collecting primary and material documentary evidence which is directly connected with the alleged offence. The proposed further investigation appears necessary for a just decision of the case. Moreover, permitting further investigation at this stage would not cause any prejudice to the accused, rather it would facilitate a fair trial based on complete material.
5. It is well settled that under Section 193(9) of BNSS, further investigation is permissible even after filing of charge sheet, if it

is required in the interest of justice. Since the present request is aimed at collecting relevant evidence and curing omissions in investigation, and no prejudice would be caused to the accused by permitting further investigation, this Court finds it just and proper to allow the prayer made by the learned APP. Therefore, in the interest of justice and to ensure a fair, proper, and comprehensive investigation, the application for further investigation deserves to be allowed and this court proceeds to pass the following order: -

FINAL ORDER

1. The application filed by the learned Assistant Public Prosecutor under Section 193(9) BNSS is hereby allowed.
2. The Investigating Officer is permitted to conduct further investigation in the present case for the limited purpose of collecting and placing on record authentic documentary proof regarding the age of the alleged minor Mohammad alias Shabirbhai Khojazada, including birth certificate, Aadhaar card details, school identity record or any other reliable proof, and further to seize and place on record the Registration Certificate (RC book) of the motorcycle bearing Registration No. GJ-32-P-5207, and to record additional statements of relevant witnesses, if required.
3. The Investigating Officer shall complete the further investigation expeditiously and submit a supplementary

report, if any, before this Court within 15 days from the date of intimation/receipt of this order, in accordance with law.

Pronounced in open Court on this 11th day of February, 2026.

Date- 11/02/2026

Place- Una

(Mr. Neeraj Kumar Yadav)
2nd Additional Chief Judicial Magistrate
Una Ta. Una District Gir Somnath
GJ 01409