

ORDERS ON APPLICATION FILED UNDER
SEC. 94 & 254 OF BNSS.

The Prosecution has filed the applications under Section 94 and 254 of the Bharatiya Nagarika Suraksha Sanhita, 2023 and prayed to issue summons to the treated doctors and for production of documents ie., Case summary.

It is stated in the application that the treated Doctor is not cited as the witness in the charge sheet. It is stated by the Prosecution that the injured Mookamma treated as inpatient at VIMS Hospital, Ballari and the MLC has been registered under I.P.No.14258 in UHID N.o. 20250014258 and treated at Neurosurgery Unit-B, Female Ward under IPO Admission I.D.No. 20251632 and treated at Orthopedic Unit-A, Female Ward under I.D.No. 20251663. She has treated as inpatient from 28/02/2025 to 28/03/2025. It is stated that the medical documents relating to injured Mookamma are very much relevant to prove the charges levelled against the accused. Accordingly, prayed to issue summons to the

witness Nos.1 to 3 for production of documents and to depose before the Court.

The learned Advocate for the accused filed objection by stating that the application has been filed to prolong the trial. It is also stated that the prosecution has not stated why those documents were not examined at the time of investigation and why not cited their names as witnesses in the charge sheet. In the absence of such explanation, the present application is not maintainable. It is stated that in a case of *Rajaram Prasad Yadav Vs. State of Bihar* and **Natasha Singh Vs. CBI**, the Hon'ble Apex Court held that recall of witnesses cannot be permitted to fill up lacuna or to strengthen a weak case. It is further stated that if the applications filed by the prosecution are allowed, it will cause serious prejudice to the accused and it amounts to violation of his fundamental right to speedy trial under Article 21 of the Constitution of India.

Heard the arguments.

The charge has been framed against the accused for the offences punishable under Sections 109(1), 118(1), 118(2), 352, 351(2) of Bharatiya Nyaya Sanhita, 2023. In order to prove the charges levelled against the accused, the prosecution examined P.W.1 to 13. According to the prosecution, the accused made an attempt to commit the murder of the victim and he assaulted on her with sharp edged weapon i.e., Vegetable Slicer (ಈಳಿಗೆ ಮಣಿ) and caused injuries. The victim treated as inpatient at VIMS Hospital, Ballari. P.W.5 is the Doctor, who has provided the First Aid to the patient and referred the patient to the Government Hospital, Ballari. In this case, the treated Doctor is not cited as witness in the charge sheet and the documents also not collected by the Investigating Officer during the course of investigation. P.W.2 is the victim has categorically deposed that she has taken treatment for more than one month as inpatient. So, this Court is of the opinion that it is just and necessary to examine the doctors who treated the injured. The apprehension of the accused that if the summons is issued to the proposed witnesses, there is every chance of delay in trial. In my opinion, such

apprehension can be met out by imposing condition on the prosecution. Hence, in the interest of justice, I am of the opinion that it is just and reasonable to give an opportunity to the prosecution to examine the witnesses for production of documents. Hence, I proceed to pass the following:-

ORDER

The applications filed by the prosecution are allowed.

The hospital authorities are hereby directed to produce the documents with relating to the treatment given to the patient Smt.Mookamma for the period from 28/02/2025 to 28/03/2025

The J.C. of the accused extended till 23/04/2026.

Call on **23/04/2026.**

**Prl. District and Sessions Judge,
Ballari.**