

**Order below Exh. 208**

The prosecution has moved present application under Section 311 of Cr.P.C. to recall the Medical Officer.

**02.** It is the contention of the prosecution that the prosecution has examined the informant who has deposed that the accused assaulted him by means of sword. In this regard, the MLC certificate of the informant is required to be proved by exhibiting the same. The MLC certificate is available on the record but it is not exhibited. It is, therefore, necessary to recall Dr. Bapusaheb Eknath Kandekar. Hence, prayed to allow the application.

**03.** The accused opposed the application by filing their say. It is submitted that the witness is already examined and the learned counsel for the informant has filed evidence closed pursis. Only to cause delay and to waste the Court hours, the application has been moved. Hence, prayed to reject the application.

**04.** Heard the learned A.P.P. and learned counsel for the accused. They have argued as per their contention in the application and reply. Perused the record. The Medical Officer has been examined by the prosecution as P.W.6. However, no document has been exhibited during his evidence. Now, the learned A.P.P. is submitting that the MLC is on record which is required to be proved through the Medical Officer. However, said contention is not denied by the accused. As per Section 311 of Cr.P.C., “any witness can be re-

examined which is already examined if it appears that his evidence is essential to the just decision of the case”.

**05.** Here, the earlier A.P.P. has failed to show the said document to the doctor who appeared before the Court. Now, the case is at the stage of argument. Unless the document is shown to the witness, the MLC cannot be exhibited. No prejudice will be caused to the accused as he has right to cross examine said witness. If the said witness is not examined, the evidence of Medical Officer would not be helpful. Therefore, in order to just decision of the case, the MLC needs to be proved through Medical Officer. Hence, the application deserves to be allowed. In the result, I pass following order:

**ORDER**

1. The application is allowed.
2. Issue witness summons to Dr. Bapusaheb Eknath Kandekar (P.W.6).

Date:-11/02/2026

( L. S. Padhen )  
Chief Judicial Magistrate  
Ahmednagar