

R.C.C.No. 183/2022
Rohini Vs. Shashikant
and Ors.
Exh.No.31

DEPOSITION OF WITNESS NO.3 FOR THE STATE

I do hereby on solemn affirmation state that,

My name : Dr. Mansi Vithal Bhoys
Age about : 28 years,
Occupation : Doctor.
Residence : Shirampur, Tal.Shirampur, Dist.Ahmednagar.

**EXAMINATION IN CHIEF BY ADV. MR. G. S. BAGAL FOR THE
COMPLAINANT ON OATH :-**

I was posted as Medical Officer, Class II as Sub-District Hospital Karjat, Dist. Ahmednagar from 06/05/2021 to 26/04/2022. I was present on duty at Sub-District Hospital, Karjat on 02/04/2022. Now, I have being shown photocopy of MLC No. 758/2022 of MLC Register dated 02/04/2022 filed along with Exh. 29. The name of the patient on it mentioned as Rohini Gorakh Shinde. It bears my signature and stamp of my designation. As per the register, patient Rohini Gorakh Shinde had appeared before me at 10:15 a.m. Rohini Gorakh Shinde was having police yadi with herself. I examined the injuries on the body of the patient Rohini. The patient was given painkillers. The patient suffered three injuries:-

1. Abrasion on right side of face below right eye measuring
1 cm x 0.5 cm
2. Linear abrasion on forehead medially measuring 1 cm x 0.1 cm.
3. Linear abrasion on right forearm measuring 1 cm x 0.1 cm.

2. The patient mentioned that the injuries were sustained due to alleged assault on 01/04/2022 at 04:00 p.m. due to hitting by hands. The injuries mentioned above could be caused due to hard and blunt object. The photocopy of MLC No. 758/2022 was prepared by me. It bears my signature. The contents of it is true and correct. I have brought the original. (when

compared with the original it is observed that only half part of MLC No. 758 is filed along with Exh. 29, the remaining half part not on record. Further, it is photocopy and not original, when compared with original it is observed that on the original certain injuries were mentioned it is absent photocopy of the record. Further, it bears designation of Chief Medical Officer and thumb impression of the patient. However, these things are not mentioned on the photocopy on record. Ld. Advocate Mr. G. S. Bagal for the complainant mentioned that he has objection on the document not being exhibited as proved the contents of the original do not match on the photocopy of record. The objection is overruled. Thus, the document cannot come in the ambit of the word prove as per the Indian Evidence Act as the contents differ. Hence, it cannot be exhibited as document proved by the present witness in Court. However, it is given exhibit only for the purpose of identification.) It is given Exh. 29/1 for purpose of identification only for the purpose of identification.

3. I cannot identify the patient by looking at her. The witness herself state that everyday multiple patient come before her and she cannot remember each and every patient.

CROSS EXAMINATION ON BEHALF OF ACCUSED PERSONS BY ADV. MR. K. S. SHEWALE :-

4. It is police yadi Number not mentioned in the MLC No. 758/2022, the witness herself state that she had brought police yadi with herself. It is true that the police yadi is dated 01/04/2022. It is true that no where it is mentioned as police yadi is dated 01/04/2022. It is true that the time and date of alleged assault is mentioned on MLC No. 758/2022 as per saying of the patient. It is not true that hand cannot be termed as hard and blunt object. It is true that irrespective of the amount of force no incise wound can be caused by hitting by hands.

Court question: If the patient is able to sign on the MLC, whether thumb impression is taken on signature?

Answer: Thumb impression.

It is true that no where it is mentioned in the register that thumb impression

has to be taken and not signature of the patient. The witness herself state that it is the practice to take thumb impression. As per my reading in books, thumb impression has to be taken. It bears my signature the MLC No. 758 bears my signature.

Court question: Whether you are CMO?

Answer: No, I was Medical Officer, Class-II.

It is true that the kind of injuries mentioned in MLC No. 758 can be caused by falling. It is not true that Rohini Gorakh Shinde never appeared before me. It is not true that I am deposing falsely on direction of the complainant.

Cross-Examination over.

Re-Examination-Nil.

Before me,

R.O. & A.C.

(Rohan Vijaykumar Thayil)
Judicial Magistrate, First Class,
Karjat Dist. Ahmednagar.
(Court No. 02)

(Rohan Vijaykumar Thayil)
Judicial Magistrate, First Class,
Karjat Dist. Ahmednagar.
(Court No. 02)

Date : 20/07/2024

CERTIFICATE

Taken before me and signed by me in the presence of accused to whom the deposition was explained and opportunity was given to cross-examine.

Before me,

Date : 20/07/2024

(Rohan Vijaykumar Thayil)
Judicial Magistrate, First Class,
Karjat Dist. Ahmednagar.
(Court No. 02)