

MHKO010036622019



**Order below Exh.No.84, in
Spl. Case No.82/2019.**

The State of Maharashtra

V/s.

Dattatraya Bandu Gore

The prosecution has moved application for medical examination of accused Dattatraya Bandu Gore U/Sec. 53/A of the Code of Criminal Procedure, 1973 ('Cr. P. C.' for short).

2. It is contended that, the accused is facing trial for the offence U/Sec. 376 (2) (n) of IPC and u/Sec. 4, 6 of the POCSO Act. As per record, vide MLC No. 910/2019 and MLC No. 913/2019 the medical examination of the accused was done, however, the documents as regards said medical examination were not filed on record. The prosecution has conducted the search of said documents, however, they were not traced out. Hence, the prosecution has moved present application for medical examination of accused.

3. The accused has filed say below Exh. 85 and strongly opposed the application. It is contended that, the application is filed at belated stage i.e. after recording evidence of Investigating Officer. The application is filed only with intention to fill up the lacunas in prosecution case. The medical documents pertaining to case of rape are important documents. No sufficient reasons are given by prosecution to conduct re-examination of accused. Lastly, accused prayed to reject the application.

4. Heard both sides.

5. Perused record. It is revealed that, the accused is facing trial for the offence U/Sec. 376 (2) (n) of IPC and U/Sc. 4 and 6 of the POCSO Act. The charges leveled against accused are serious nature. The medical examination of the accused in case of rape is very important and hence, vide MLC No. 910/2019 and MLC No. 913/2019 medical examination of accused was conducted. However, the documents pertaining to those MLC's were not filed on record. Therefore, in absence of those documents, it cannot be said that, the IO has not conducted the medical examination of accused at the time of his arrest or soon thereafter. Thus, by way of present application U/Sec. 53-A of Cr. P. C., the prosecution is not trying to bring on record new evidence. No prejudice would be caused to accused, if the application is allowed. Hence, the application deserves to be allowed. Hence, the following order.

ORDER

1. The application (Exh. 84) stands allowed.
2. The Superintendent of Central Prison, Kalamba is hereby directed to present the accused Dattatraya Bandu Gore for medical examination before Medical Officer, CPR hospital, Kolhapur within two days from the date of this order.

3. The Medical Officer, CPR hospital is hereby directed to conduct the medical examination of accused Dattatraya Bandu Gore U/Sec. 53-A of Cr. P. C., and shall forward the report to this Court on or before **25/11/2025**.

4. The application (Exh.84) stands disposed of.

Date : 17/11/2025.
Kolhapur.

(Smt. Kavita B. Agrawal)
Special Judge, Kolhapur.