

MHPU090031902019	R.C.C./493/2019 State of Maharashtra Vs. Prasad Chandrakant Kangralkar
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ORDER PASSED BELOW EXH. NO. 29

(Passed on 01/04/2025)

The State has moved the present application for summoning witness Dr. Shri. Madhav Chavan for the purpose of proving the fact of admission of Devansh at New Child Care Hospital, Kalewadi during period 11.08.2017 and 13.06.2018.

02. The accused, appearing in person, opposed the present application on the ground that, he and the complainant got separated on 28.05.2017 and their son namely Devansh Prasad Kangralkar was hospitalized on 11.08.2017 and 13.06.2017. Both times admission of Devansh at hospital doesn't come under mental cruelty and thereby hence prayed to reject the application.

03. Heard Ld. APP Shri. Bargaje and the accused, appearing party in person. They both argued in the light of their submissions in application and say, respectively.

04. Perused the record. Specifically on perusal of FIR, there is mention of fact that, when the complainant and her son were expelled from house, their son namely Devansh due to that sustained mental shock and he was hospitalized. The said period was mentioned as 28.05.2017. The prosecution wants to examine Dr. Madhav Chavan, New Child Care Hospital, Kalewadi for the purpose of proving fact that, Devansh was admitted at said hospital due to mental shock caused by the present accused. By considering mention of the said fact i.e. hospitalization of Devansh due to mental shock in

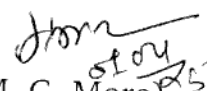
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FIR have existence of said allegations against the present accused in FIR itself, whether Devansh hospitalized due to mental shock requires to be proved by the prosecution by examination of said witness Dr. Chavan. As there is allegations against the present accused in FIR itself and prosecution under burden to prove said fact, Dr. Chavan requires to be summoned and thereby the application requires to be allowed and order as follows-

ORDER

- A) Issue summons to Dr. Shri. Madhav Chavan, New Child Care Hospital, Kalewadi and he has to bring documents of hospitalization of Master Devansh during period 11.08.2017 and 13.06.2018.
- B) No order as to costs.

Pimpri.
Dated: 01/04/2025.


(M. G. More)
Jt.J.M.F.C., Pimpri, Pune.