



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE AT
PANVEL, DISTRICT- RAIGAD**

SESSION CASE NO.109/2021

The State of Maharashtra --- Prosecution

Vs.

Rekha Pradip Wagh & Ors. --- Accused

Corum - Santosh C. Shinde

Date - 8th January 2025

Appearance-

Ld. Addl. Public Prosecutor Smt. Madhuri Thalkar for the State.

Ld. advocate Mr. Mahesh Gunjal for accused No.1

Ld. advocate Mr. Ankit Bangera for accused No.2

Order Below Exh.95

1. This application is filed u/s.311 of the Code of Criminal Procedure, 1973 (in short "CrPC") by Prosecution for calling Vijay Pandurang Mhaskar, Medical officer of Sub-District Hospital, Karjat as witness & for production of MLC register.
2. Say of accused was called upon. Accused have filed say overleaf the application. Application is strongly objected on ground that witness is not listed in charge-sheet and witness is called to fill up lacuna in the case of prosecution.
3. Heard.

4. Perused record. Points for determination along with my findings thereon are as follows.

Sr. No.	Points	Findings
1	Whether witness should be summoned for evidence & production of documents ?	Only for production of documents witness can be summoned.
2	What order ?	Application is partly allowed.

REASONS

As To Point No.1

5. Till today, Prosecution has examined eight witnesses. Prosecution intends to examine Vijay Pandurang Mhaskar who is Medical Officer in Sub-District Hospital, Karjat as original register was not brought by PW No.8 during evidence. As per Prosecution, original MLC register is required to be produced before the Court in order to prove injury certificate. This application is filed after examination of PW No.8
6. Prosecution intends to examine this witness for proving injury certificate and production of MLC register. In the application, necessary details are not given as why this witness should be called for recording evidence. Many times oral directions are given to Ld. Addl. P. P Smt. Thalkar for mentioning detailed reasons in the application u/s.311 of the CrPC but again application is filed without such details.
7. As per section 311 of CrPC, any Court may at any stage of any inquiry or trial or other proceeding under CrPC can summon any person as a witness or examine any person in attendance.

Power to be used under this section has to be exercised with due diligence and care. In absence of necessary details & reason, this witness cannot be summoned for evidence and prayer for production of MLC registered can be considered for just decision of the case. For these reasons, I pass following order.

ORDER

1. Application is partly allowed.
2. Issue production summons to Vijay Pandurang Mhaskar, Medical Officer of Sub-District Hospital, Karjat for production of MLC register more particularly descibed in application at exh.95.

(Application is disposed of accordingly)

Panvel
Date - 08/01/2025

Sd/-
(S. C. Shinde)
Addl. Sessions Judge
Panvel, Dist- Raigad