

Order below Exh.115 in Special Case No.28/2021
(CNR No. MHRT010006122021)

(1). Perused the application and say. Heard learned APP Smt. M. S. Nalawade and learned advocate Shri. M. D. Mandavkar. By this application under section 311 of Criminal Procedure Code, learned APP submitted that from the perusal of charge-sheet, the DNA report bear the signatures of Shri. A. D. Shinde, Asstt. Chemical Analyzer and Shri. S. R. More, Asstt. Chemical Analyzer, Regional Forensic Science Laboratory, Kolhapur. It is further submitted that Shri. P. P. Masurkar, PHC,49, Lanja Police Station has carried the sample to Laboratory and Medical Officer, Rural Hospital Lanja, has taken DNA sample. They are material witnesses in this case and their names are not mentioned in witness list. DNA report is required to be proved for the ends of justice. These witnesses are material for just decision of the case. Finally, it is prayed to allow this application.

(2). The accused strongly resisted the application and submitted that the prosecution has already examined material witnesses. Now for filling of lacuna, prosecution is trying to examine aforesaid witnesses. It would cause serious prejudice to the defence if these witnesses are examined. The statement of these witnesses are not recorded by I.O.. Finally, it is prayed to reject the application.

(3). The present matter pertains the offence punishable

under provision of POCSO Act. In the present matter, the evidence of these witnesses can be said to be essential for just decision of the case. The accused will have opportunity to cross examine the witnesses. The present application satisfied the test for exercising discretion under section 311 of the Code of Criminal Procedure. Hence, I proceed to pass following order.

ORDER

- 1) Application Exh. 115 is allowed.
- 2) Issue summons to (1) Shri. A. D. Shinde, Asstt. Chemical Analyzer, (2) Shri. S. R. More, Asstt. Chemical Analyzer, Regional Forensic Science Laboratory, Kolhapur, (3) Shri. P. P. Masurkar, PHC,49, Lanja Police Station, and (4) Medical Officer, Rural Hospital Lanja, Tal. Lanja, Dist. Ratnagiri as prayed.
- 3) The accused will have right to cross-examine the witness.
- 4) Inform the concerned accordingly.

Date :- 03/06/2025.

(A. M. Ambalkar)
Judge, Special Court, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Special Case No.28/2021
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Judge, Special Court, Ratnagiri
Date of Dictation	:-	03.06.2025
Order signed by the P.O. on	:-	03.06.2025
Order uploaded on	:-	03.06.2025