

MHST010021582020



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA
SESSIONS CASE NO.144 of 2020**

State of Maharashtra

... Complainant.

Vs.

Rajesh Budhan Tudu

... Accused.

**Coram: Mr. S. R. Tamboli,
The Addl. Sessions Judge, Satara,**

:: ORDER BELOW EXH.103 ::

1. In the present application, the prosecution has prayed that the Chemical Analyser's Certificate be taken on record and admitted in evidence.

2. Ms. G. M. Lakade, learned Additional Public Prosecutor for the State, submitted that the muddemal articles in the present case were sent to the office of the Chemical Analyser during the course of investigation and the report of the Chemical Analyser has been received. She submitted that the said report is the opinion of an expert and as per Section 329 of the Bharatiya Nagarik Suraksha Sanhita, 2023, such report is admissible in evidence without

examining the Chemical Analyser. Hence, she prayed that the report be admitted in evidence.

3. Per contra, the learned counsel for the accused submitted that the Chemical Analyser has not been examined by the prosecution, and therefore the said report cannot be admitted in evidence.

4. I have considered the submissions. Section 329 of the Bharatiya Nagarik Suraksha Sanhita, 2023 provides that the report of a Chemical Analyser or Assistant Chemical Analyser upon any matter or thing duly submitted to him for examination or analysis may be used as evidence in any inquiry, trial or other proceeding. Therefore, the report of the Chemical Analyser is admissible in evidence even without examining the Chemical Analyser, unless the Court considers it necessary to summon and examine the expert.

5. In view of the above provision, there is no legal impediment in admitting the Chemical Analyser's report in evidence. Hence, the Chemical Analyser's Certificate is admitted in evidence.

Date- 13/03/2026.

(S.R.Tamboli)
Addl. Sessions Judge, Satara.