

Order below Exh.1 in Session Case No. 13/2023

Today, the evidence of PW7- Dr.Sunita Veer is being recorded. She has stated in her evidence that she had medically examined Aishwarya and she had ascertained whether patient was in a position to record her statement or not. Thereafter, she has stated that on that day, statement of Aishwarya was recorded in her presence. Thereafter, learned APP has asked question to the witness- “What she had stated”?

2] In respect of above question, learned Counsel of accused has taken objection that such witness was called only for limited purpose, that is regarding endorsement and what patient had stated in that regard, witness has been already examined and statement has been already exhibited. Therefore, such question cannot be asked and it amounts to repetition of facts.

3] Learned APP Shri Patil has replied that when witness has stated that in her presence, statement of Aishwarya was recorded, therefore, above question is relevant one and witness can narrate the fact in reply to that question.

4] I have heard both the parties. There is no dispute regarding fact that previously witnesses of prosecution have been examined and in their examination, statement of Aishwarya has been marked as Exh.56. On perusal of Exh.56, it will find that there is endorsement made by Medical Officer that “*Patient is conscious, well-oriented while taking statement*”. In addition to this, this

witness has specifically stated that statement of Aishwarya was recorded in her presence. In the light of such material, above question is relevant one and there is no question of repeating the fact. As such, above objection raised by learned defence Counsel is de-meritorious one. Hence, it is rejected. Learned APP is permitted to ask above question.

WAI.
Dt.03.11.2025

(R. N. Mehare)
Additional Sessions Judge, Wai.