

Common Order Below Exhibits-81 and 82 in
Sessions Case No.45/2022
State of Maharashtra ..Vs.. Nilkanth Thakare
(Dated 16-02-2026)

By the present applications, the prosecution seeks permission to examine the Medical Officer who conducted the postmortem examination of the deceased and issued the query report, by invoking the provisions of Section 311 of the Code of Criminal Procedure.

2. It is submitted by the prosecution that the postmortem report of the deceased as well as the query report concerning the seized weapon, which are already placed on record, were issued by Dr. Pravin R. Zopate, Associate Professor, Department of Forensic Medicine, MGIMS, Sevagram. However, it is pointed out that the name of Dr. Pravin R. Zopate does not appear in the list of witnesses appended to the charge-sheet. The prosecution has therefore prayed that Dr. Pravin R. Zopate, being the author of the postmortem report and the query report, be examined as a witness in the interest of a just decision of the case, and that summons be issued to secure his presence.

3. The accused has opposed the said application and has prayed for its rejection.

4. Upon consideration, it is evident that the accused is being prosecuted for the offence punishable under Section 302 of the Indian Penal Code. Having regard to the serious nature of the charge, it is incumbent upon the prosecution to establish the factum and cause of death of the deceased in accordance with law. This necessarily requires formal proof of the postmortem report and the query report, which can only be duly proved through the examination of the Medical Officer who

prepared and issued them. According to the prosecution, the omission of the name of Dr. Pravin R. Zopate, Associate Professor, Department of Forensic Medicine, MGIMS, Sevagram, from the list of witnesses in the charge-sheet was inadvertent.

5. Nonetheless, the burden squarely lies upon the prosecution to prove the postmortem report and the query report in accordance with law. The testimony of the concerned Medical Officer, being the author of the said documents, is therefore essential for the just adjudication of the case. Allowing the present applications would not cause any prejudice to the accused, as copies of the postmortem report and query report are already on record, and the accused would have full opportunity to cross-examine the proposed witness. In these circumstances, this Court is satisfied that sufficient grounds have been made out for invoking the provisions of Section 311 of the Code of Criminal Procedure. Accordingly, in the interest of justice and for a just decision of the case, the applications deserves to be allowed and are hereby allowed. I therefore, pass the following order.

ORDER:-

- 1] Applications (Exh.81 and 82) are allowed.
- 2] The prosecution is permitted to examine Medical Officer, Dr. Pravin R. Zopate, Associate Professor, Department of Forensic Medicine, MGIMS, Sevagram, in accordance with law.
- 3] Issue witness summons to Dr. Pravin R. Zopate, Medical Officer, Associate Professor, Department of Forensic Medicine, MGIMS, Sevagram, for adducing evidence.

Wardha.
Date : 16-02-2026

[H. B. Gaikwad]
Sessions Judge, Wardha.