

Order Below Exhibit-372 in
Spl. (Atro) Case No.05/2014
State of Maharashtra ..Vs.. Shankar Dhengre and Others
(Dated 29-04-2026)

By the present application, the prosecution seeks permission to examine the Medical Officer, who conducted the postmortem examination of the deceased Panjabrao Tukaram Dhurve, 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 Panjabrao Tukaram Dhurve, which is already placed on record, was issued by Dr. S. P. Akhade, Medical Officer, Department of Forensic Medicine, Government Medical College, Nagpur. However, it is pointed out that the name of Dr. S. P. Akhade, does not appear in the list of witnesses appended to the charge-sheet. The prosecution has therefore prayed that Dr. S. P. Akhade, being the author of the postmortem 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 persons have not objected the said application.

4. Upon consideration, it is evident that the accused persons being prosecuted for the offence punishable under Section 307 and 302 r/w Section 149 of the Indian Penal Code and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Having regard to the serious nature of the charges, it is incumbent upon the prosecution to establish the factum and cause of death of the deceased namely Panjab Tukaram Dhurve, in accordance with law. This necessarily requires formal proof of the postmortem report, which can only be duly proved through the examination of the Medical Officer, who

prepared and issued postmortem report. According to the prosecution, the omission of the name of Dr. S. P. Akhade, Medical Officer, Department of Forensic Medicine, Government Medical College, Nagpur, 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, in accordance with law. The testimony of the concerned Medical Officer, being the author of the said document, is therefore essential for the just adjudication of the case. Allowing the present application would not cause any prejudice to the accused persons, as copy of the postmortem report is already on record, and the accused persons 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 application deserves to be allowed and is hereby allowed. I therefore, pass the following order.

ORDER-:-

- 1] Application (Exh.372) is allowed.
- 2] The prosecution is permitted to examine Dr. S. P. Akhade, Medical Officer, Department of Forensic Medicine, Government Medical College, Nagpur, in accordance with law.
- 3] Issue witness summons to Dr. S. P. Akhade, Medical Officer, Department of Forensic Medicine, Government Medical College, Nagpur, for adducing evidence.

Wardha.
Date : 29-04-2026

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