

ORDER BELOW EXH.119

(Passed on 15.04.2026)

1. This is an application under section 311 of Cr.P.C./348 of BNSS for permission to call Assistant Chemical Analyzer, R.F.S.L., Nagpur viz. Nutan S. Pawade as a prosecution witness. Perused the application and reply filed by the learned advocate for the accused no.1 and 2 on the application itself. Heard learned APP Shri. Soitkar and advocate for both accused. Perused the record.

2. The prosecution is seeking permission to examine analyzer who issued chemical analysis report and DNA report of the biological samples of the both accused and victim and their clothes. It seems that the name of the said chemical analyzer is not included in the list of witnesses. Though, the learned advocate for both accused strongly objected this application. But, there is no grounds for objection. The evidence of Chemical Analyzer who conducted chemical analysis and issued C.A. and DNA report would be materialized witness in cases under POCSO Act when more than 2 accused are involved. Therefore, the evidence of this witness is necessary. The accused will be also getting the liberty to cross-examine to this witness. So, in view of above discussions, application deserves to be allowed. Therefore, I proceed to pass following order.

ORDER

- i) The application below Exh.119 is hereby allowed under section 348 of BNSS.
- ii) Issue witness summons to the prosecution witness as per Exh.119 accordingly.

Place : Wardha.
Date : 15.04.2026.

(**S.G. Adake**)
Addl. Sessions Judge-3 &
Spl. Judge (POCSO Act), Wardha