

ORDER BELOW EXH.101

The present application is filed by accused for permission to issue summons to Medical Officer, GMC Akola & GMC Washim.

2. In brief it is the contention of the applicant/accused that he had examined defence witnesses and had filed pursis for closure of defence evidence. Case is pending for final argument. While preparing for argument Ld.Advocate for accused had gone through medical papers of GMC Akola wherein it is mentioned that deceased was under the influence of liquor and had suffered crush injury. The time when the deceased was examined in GMC Washim and referred to Akola are not mentioned on the documents of GMC Washim. In the said circumstances, it is essential for defence to examine Medical Officer from GMC Washim and Akola. Allegations against the accused are of serious in nature and it is necessary that lacunas appearing in medical papers should be brought on record by the defence. Hence, they have sought permission to examine Medical Officer of GMC Washim and Akola.

3. Said application is strongly opposed by Ld.APP by filing say below Exh.102. It is submitted that all the documents were filed on record at the time of filing of charge-sheet. Advocate for accused had cross-examined by the prosecution witnesses and also examined the defence witnesses. After closure of defence evidence case was for final argument and all the documents were already within the knowledge of the accused. In spite of same they have not examined the relevant witnesses during the defence evidence and have thereby prolonged the matter. Prosecution has examined Medical Officer from

Rural Hospital, Malegaon and he was cross-examined at length by Ld.Advocate for accused. There is sufficient evidence against the accused and only to prolong the matter present application is filed. Hence, same is without merits and needs to be rejected.

4. Heard Ld. Advocate for accused and Ld. APP at length. Perused the record. It is matter of record that prosecution has examined relevant witnesses and thereafter even the defence have examined witnesses and had filed pursis for closing defence evidence. Matter is now for filing argument. In spite of same documents referred and sought to be relied upon by Ld.Advocate for accused are not proved by either side. As pointed out by Ld.Advocate for accused said documents appears to be relevant. Accused is facing serious allegations and in order to give opportunity to the accused to prove his defence and to avoid frustration of justice on technical ground I proceed to pass following order.

ORDER

- 1] Application is allowed.
- 2] Ld.Advocate for accused to take steps immediately for examining the witnesses i.e. Medical Officer of GMC Akola & GMC Washim.

Dt:-05/06/2026

(M. S. Sahasrabudhe)
District Judge-3 &
Addl. Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer	:-	R.K.Pawar, Stenographer (Grade-1)
Court Name	:-	District Judge-3 & Additional Sessions Judge, Washim.
Date	:-	05/06/2026
Order signed by the Presiding Officer	:-	05/06/2026
on		
Order uploaded on	:-	05/06/2026