

Special Case Child Prot. No.22/2017

State ..Vs.. Gajanan Ingole,

(CNR No.MHYA010021652017)

ORAL ORDER BELOW EXH. 93

1. This is an application for recalling PW9 Avinash Laxmanrao Ingale, the Investigating officer. Perused the record. Heard both the sides.

2. It is submitted by the learned counsel for the accused that two witnesses came to be examined subsequently by the prosecution. A witness stated about the obtaining of the DNA samples and about the delay in sending the samples to the FSL. Hence, the investigating officer has been examined, in relation to the receipt of the samples as well as the said delay, apart from the other questions, relating to the DNA samples.

3. *Per contra*, it is submitted by the learned PP that there is an intention to fill up lacuna. Prejudice would be caused to the interest of the victim, if the witness is recalled. The witness could have been cross-examined on the aspects, sought to be enquired into, as everything was deposed to by the investigating officer.

4. Hear is the same, wherein two witnesses are said to have been examined, subsequent to the examination of the investigating officer, including a witness, who is said to have obtained samples for DNA analysis.

5. There has to be a fair trial. An inadvertent error on the part of any learned counsel cannot be allowed to be the cause to frustrate the course of justice. The questions, in relation to the DNA samples, appear to be essential for the just decision of the case, notwithstanding the errors or inadvertence on the part of the learned counsel for the accused. No prejudice is going to be caused to the prosecution, if the witness is recalled on the limited facets of the scenario, as sought to be dealt with.

6. In the light of the foregoing observations, PW9 Avinash Laxmanrao Ingole be recalled, for the purpose of his further cross-examination, on the aspects, as dealt with hereinabove. The application stand disposed of, accordingly.

Date: 06/04/2026
Place: Yavatmal.

(S.U. Baghele)
Special Judge, Yavatmal.