

Sessions Case No. 36/2020.
State ..V/s.. Sachin Patil,
(CNR No. MHYA010007662020)

-: ORDER BELOW EXH. 54 :-

1. Heard. Perused the record. It is sought to be submitted by the learned APP that the covering letter addressed to the Chemical Analyzer remained to be exhibited inadvertently, whereas it is submitted by the learned counsel for the accused that the prosecution is trying to fill up the lacuna.

2. Indisputedly, the C.A. report is of no avail, unless the covering letter, by virtue of which the muddemal was sent to the Forensic Science Laboratory, is exhibited, for, the C.A. report may not spell out, as to which were the particular properties, which were sent for chemical analysis. The evidence, qua the covering letter, is essential for the just decision of the case. Hence, as per the mandate enumerated in the second part of section 311 of the Cr.P.C., the witness is bound to be recalled for further examination-in-chief. There is no question of filling up the alleged lacuna, in the light of the fact that the document has already been placed on the record by the prosecution.

3. In the light of the foregoing observations, the application is hereby allowed. The witness be recalled for further examination-in-chief, limited to the extent of the said covering letter. The application is disposed of accordingly.

Yavatmal.
Date : 25/08/2025.

(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.