

Sessions case No.98 /2021
State ..Vs.. Atul @ Suresh Bhele+1,
(CNR No.MHYA010018962021)

ORAL ORDER BELOW EXH. 115

1. This is an application for the recall of a witness. Perused the record. Heard the learned counsel for the respective parties. It is submitted by the learned counsel for the accused No.1 that the Investigation officer did not produce all the medical documents, more particularly, a bedhead ticket. He submitted that he came to know about the same, due to which, the present application came to be moved. The doctors gave different opinions in respect of the injuries.

2. *Per contra*, it is submitted by the learned APP that the prosecution completed its evidence, whereafter the statement of the accused came to be recorded on 23.04.2025, and thereafter, argument was advanced before my learned predecessor. He submitted that no document is suppressed, but the present application came to be moved to fill-up the gap in the defence. There is an intention to prolong the matter.

3. The recall of witnesses is permissible under two circumstances. It is firstly in the discretion of the court to recall the witness. Secondly, a witness has to be mandatorily recalled, if the evidence appears to be essential for the just decision of the case.

4. A fair opportunity has to be given to both the parties, so as to ensure that justice is rendered in letter and spirit. Human errors can certainly be allowed to be corrected, so as to ensure the furtherance of cause of justice, instead of allowing the justice to be suppressed, on account of any human error. The matter can certainly be expedited, by recalling the witness, for putting the question in relation to the medical documents, which are alleged to have been suppressed.

5. In the light of the above observations, it is hereby directed that PW7 API Kishor Bawaskar be recalled for further cross-examination on the limited question of suppression of medical documents, subject to the accused No.1 depositing the cost of his appearance within 3 days from today in this court.

Date: 29/11/2025
Place: Yavatmal.

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