

Present: Shri Sandeep Kumar, APP for the State
All the accused on bail with Ms. Simarjit Kaur, Advocate

This order of mine shall dispose of an application moved by prosecution under Section 91 Cr.P.C seeking directions to SHO, P.S.Sadar, Moga, to produce the original skiagrams, x-ray report, final opinion of doctor regarding injuries on the person of the injured Sukhwinder Singh. It is alleged that Dr. Paramjit Singh has been examined as PW1 today in the court and witness has stated that after X-ray examination, injury no.1 on the person of Sukhwinder Kaur was declared as grievous in nature and vide despatch No.193 dated 04.03.2016 he had sent the original record to SHO concerned i.e. P.S.Sadar, Moga. Original record is not on the judicial file and production of the same is very essential for the just decision of the case. Hence, the present application.

2- Per contra, accused filed reply alleging that documents were pertaining to the doctor Paramjit Singh who is already named and the documents were supposed to be in their custody which were not produced by him on the day of evidence, this means that these were irrelevant in this case. Alleged record, alleged to be summoned are not part of the judicial file.

3- The judicial record has been perused carefully in light of the above cited rival contentions of the learned APP for the State and learned defence counsel.

4- Perusal of the file shows that during course of examination, the evidence of complainant as well as eye witness turned hostile. As such, it will be futile exercise to summon record as stated in the application. Hence, the same stands dismissed.

Sd/-

PRONOUNCED
04.02.2020

Vipan Kumar, Stenographer Grade-I

(Bikramjit Singh) PCS
Additional Chief Judicial Magistrate,
Moga. (U.I.D.No.PB0224)
Direct Dictation

State Versus Gurmeet Singh 28

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Two Pws namely Sukhwinder Singh and Sukhchain Singh are present and examined.

Arguments on application under Section 91 Cr.P.C heard. Vide my separate order of even date, application under Section 91 Cr.P.C has been dismissed.

Learned APP for the state has sought adjournment for Pws. Perusal of the file shows that during course of examination, the evidence of complainant as well as eye witness turned hostile. As such, it will be futile exercise to summon other witnesses, therefore, request of the learned APP for the state stands declined and evidence of the prosecution is closed by order.

To come up on 05.02.2020 for the statement of the accused under Section 313 Cr.P.C. Sd/-

PRONOUNCED
04.02.2020

Vipan Kumar, Stenographer Grade-I

(Bikramjit Singh) PCS
Additional Chief Judicial Magistrate,
Moga. (U.I.D.No.PB0224)
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