

**IN THE COURT OF SH. MADAN LAL, PCS,
ADDITIONAL CHIEF JUDICIAL MAGISTRATE, RUPNAGAR.**

FIR No.102/25.07.2017
U/s: 341, 323, 427, 201, 148, 149 IPC
CIS No.CHI/133/2018
CRN No.PBRO03-001203-2018
Date of order: 06.02.2020
Pending for: 15.04.2020

State

Versus

Manpreet Singh & Ors.

**Application for issuance direction to SHO
to seek medical legal opinion**

Present: Sh. Harshdeep, Ld. APP for the State
Accused on bail with counsel Sh. Mohit K. Dhupar, Advocate

ORDER

This order of mine shall dispose of application dated 15.10.2019 for issuance of direction to SHO, Police Station, Sadar Morina to seek medical legal opinion about grievous injury caused to the complainant Jaspal Singh and to direct to submit supplementary challan and to add additional offence due to grievous injury.

2. The present application has been moved by the applicant/complainant Jaspal Singh through Ld. APP for the State on the ground that complainant had sustained grievous injuries caused by accused persons but police under the influence of accused persons did not book them as per offence committed by accused persons. The complainant had received fracture on left foot and surgery was conducted by the doctor but police, in

connivance with accused persons did not present the challan under relevant sections as grievous injuries was inflicted on the person of complainant by accused persons. It is essential that SHO concerned be directed to seek medical legal opinion from the concerned doctor about the grievous injuries sustained by complainant Jaspal Singh and accordingly, offence be added against accused persons and supplementary challan be presented against accused persons. With these submissions, Id. APP for the State has prayed for grant of application.

3. In reply, application has been opposed by the defence on the ground of maintainability. Further, application has been filed just to prolong the matter for harassing accused and to put pressure upon accused persons. There was no injury occurred on the person of complainant as alleged. With these assertions, Id. defence counsel has prayed for dismissal of the application.

4. Heard. The contention of Ld. APP for the State is that complainant/injured Jaspal Singh had suffered fracture on his left foot and received grievous injuries, but SHO concerned has not taken opinion of doctor concerned qua the injury sustained by complainant/injured Jaspal Singh, therefore, in order to prove nature of injuries sustained by injured Jaspal Singh, concerned SHO be directed to get the opinion of concerned doctor. On the other hand, contention of defence is that challan has already been presented and the case is at the stage of prosecution evidence, therefore, SHO cannot be directed to get the opinion of concerned doctor at this stage to fill up the lacuna of prosecution.

5. The prosecution wants to get opinion of concerned doctor regarding the nature of injuries allegedly sustained by complainant Jaspal Singh, but perusal of file reveals that MLR of injured/complainant Jaspal Singh has already been prepared by the doctor concerned and prosecution can seek opinion of concerned doctor regarding the nature of injuries of injured/complainant at the time of evidence of doctor concerned. Therefore, SHO concerned cannot be asked to get the opinion of concerned doctor qua the nature of injuries allegedly sustained by complainant/injured Jaspal Singh hence, application in hand stands dismissed being devoid of merits.

Dated: 06.02.2020

Anis Ahmed
Stenographer Gr.-II

(Madan Lal)
Addl. Chief Judicial Magistrate
Rupnagar/UID-PB0200

Present: Sh. Harshdeep, Ld. APP for the State
Accused on bail with counsel Sh. Mohit K. Dhupar, Advocate

Arguments on the application seeking director to SHO to get the opinion of doctor concerned, heard. Vide separate detailed order of this Court of even date, the application has been Dismissed. Now, summons to remaining prosecution witnesses be issued for 15.04.2020.

Dated: 06.02.2020

Anis Ahmed
Stenographer Gr.-II

(Madan Lal)
Addl. Chief Judicial Magistrate
Rupnagar/UID-PB0200