

**IN THE COURT OF BHUPESH KUMAR, ADDITIONAL SESSIONS JUDGE-III, GUMLA.
JO CODE -JH05166**

S.T. No. 18/2025 & S.T. 193/2024 (MCA No. 187/2026)

State Versus Satendar Kumar Sahu

Date of Order-16.02.2026

Application u/s 348 of BNSS for summoning and examination of Doctor, who conducted the x-ray, treatment of accused Satendar Kumar Sahu.

Present:- Sri Nandlal Adv. counsel for accused.
Sri Sudhir Toppo, APP for the State.

ORDER:

Statement of accused under Section 351 of BNSS was recorded on 09.02.2026, in the presence of Ld. defence counsel. Thereafter, accused filed an application under Section 315 of Cr.P.C. with the averments that he wants to appear as a defence witness.

Considering the facts of that application, accused Satendar Kumar Sahu was ordered to be examined as defence witness. The accused was examined as DW.1, on 12.02.2026. The accused Satendar Kumar Sahu submitted his statement that he does not want to adduce any further defence evidence. Thereafter, considering his statement, evidence of defence was closed and case was fixed for arguments.

Today, instead of addressing arguments, Ld. defence counsel filed the present application with the averments that the referral Hospital, Sisai, Sadar Hospital, Gumla and police be directed to submit the injury report of accused Satendar Kumar Sahu. And prayer has been made to allow the application.

Per Contra, Controverting the application, Ld. APP for the State argued that the accused cannot make successive applications for producing the defence, once the accused have closed its defence then it cannot be allowed to exercise the power under Section 348 of Cr.P.C. again and again.

I have heard the Ld. counsel for accused and Ld. APP for the State and have perused the record with their able assistance. Perusal of the file reveals that Vide order dated 12.02.2026, the accused along with his counsel submitted his statement to close its defence evidence. The defence evidence of the accused was closed under his own signature as well

as that of his learned counsel. The factum of injury sustained by the accused is not disputed by the prosecution. In such circumstances, calling of doctor to prove the injury on the person of the accused is not necessary for the just decision of the case, particularly when the accused himself appeared as a defence witness and proved the fact of injury sustained by him.

Section 311 of the Code of Criminal Procedure, 1973, confers wide discretionary powers upon the Court to summon any witness at any stage, if such evidence appears essential for a just decision of the case. However, this provision cannot be invoked to collect evidence for either party when the material fact is already admitted or proved. In the present case, since the injury to the accused is not disputed and has been duly proved by his own testimony, summoning of the doctor would be a mere formality and would not advance the cause of justice.

Accordingly, the application under Section 348 of BNSS/311 Cr.P.C. is found devoid of merit and is hereby dismissed

Now to come up on 17.02.2026 for arguments.

Pronounced on: 16.02.2026.

**Sd/-
(Bhupesh Kumar)
Addl.Sessions Judge-III
Gumla.**