

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 729/2018

Vinod Sahebrao Komrekar

..VS..

State of Maharashtra, Thru PSO, PS Karanja (Lad) Dist. Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.P. Bhandarkar, Adv a/b Shri M.N. Ali, Adv for the petitioner
Shri A. Ananthkrishnan, Advocate (Intervenor) in APPW No. 242/18
Shri V.P. Gangane, APP for the respondent/State

CORAM : Z.A.HAQ, J.
DATED : 25/10/2018

Heard.

This petition is filed by the accused to challenge the order passed by the Sessions Court permitting the prosecution to produce on record the certificate of injury of the accused. The submission on behalf of the petitioner is that this certificate of injury is produced on record after 9 witnesses are examined, and if it is permitted at this stage, it would cause serious prejudice to the accused as the accused has prepared his defence on the basis of the material which was placed on record alongwith the charge-sheet. It is further submitted that the certificate of injury is permitted to be produced on record without granting opportunity to the petitioner/accused to make his submissions, and without considering that the accused is deprived of cross-examining the witnesses, on that certificate of injury, who are already examined by the prosecution.

The learned APP has submitted that the requisition of the Medical Officer is already placed on record

alongwith the charge-sheet, however, the certificate of injury remained to be annexed alongwith the charge-sheet. It is further submitted that the Medical Officer who has conducted the examination of the accused and has prepared and given the certificate of injury is yet to be examined, and the accused will get opportunity to cross-examine the Medical Officer.

Though the learned Sessions Judge has not recorded sufficient reasons for permitting the prosecution to produce on record the certificate of injury, in my view, the order passed by the learned Sessions Judge permitting the prosecution to produce on record the certificate of injury cannot be faulted with in the facts of the case.

I see no reason to interfere with the impugned order in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

The Sessions Court shall dispose the matter as expeditiously as possible.

CRIMINAL APPLICATION (APPW) NO. 242/2018

In view of dismissal of the writ petition, this application praying for grant of permission to intervene in the petition does not survive. It is **disposed** accordingly. No costs.

JUDGE