

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.714 of 2022

Dr. Bachaspati Das

....

Petitioner

Mr. Debasnan Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. K.K. Das, Additional Standing Counsel

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

13.4.2022

Order No.

- 01.
1. Heard Mr. D. Das, learned counsel for the Petitioner and Mr. K.K. Das, learned ASC for Opposite Party – State.
 2. The Petitioner is aggrieved by the impugned order dated 11th October, 2021 of the Additional Sessions Judge, Nimapara in Criminal Appeal No.7 of 2020 rejecting his prayer to adduce additional evidence under Section 391 Cr.P.C. The offences alleged are under Sections 23 of the P.C. & P.N.D.T. Act, read with Rule 11(2) of the P.C. & P.N.D.T. Rules. The proposed evidence is for examination of one M. Venkatraman as a witness from whom the Ultrasound machine was allegedly purchased.
 3. It is submitted by Mr. Das, learned counsel for the Petitioner that the examination of said witness is very much necessary since the defence case is that the machine was kept for demonstration purpose only. The proposed evidence is thus necessary which he could not adduce in course of trial.
 4. Upon hearing Mr. Das, learned ASC for the State and considering the scope of Section 391 Cr.P.C. and the ingredients

necessary to be established for constituting offence under Section 23 of the P.C. & P.N.D.T. Act, I do not feel the proposed additional evidence of examination of the witness, namely M. Venkatraman is necessary in the interest of justice. As such no fault is seen in the impugned order to warrant any interference.

5. The CRLMC is dismissed.

6. An urgent certified copy of this order be issued as per rules.

M.K.Panda



(B.P. Routray)
Judge