



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3116 OF 2023

Arun Vishnupant Bhagyawant,
Age 58 yrs., Occ. Advocate,
R/o Jafrabad, Tq. Jafrabad,
Dist. Jalna.

... Applicant

... Versus ...

- 1 The State of Maharashtra
- 2 Parwatabai w/o Uttam Wakde,
Age 60 yrs., Occ. Housewife,
R/o Malegaon Galli, Jafrabad,
Tq. Jafrabad, Dist. Jalna.

... Respondents

...

Mr. S.N. Lale Yelwatkar, Advocate for applicant

Mr. S.A. Gaikwad, APP for respondent No.1

Mr. A.P. Raka, Advocate for respondent No.2

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CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

DATE : 24th MARCH, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 We have heard the matter further. It will not be out of place to

mention here that by our order dated 28.02.2025 we have already quashed and set aside the proceedings in Regular Criminal Case No.126/2023 pending before learned Judicial Magistrate First Class, Jafrabad, Dist. Jalna against the present applicant in a detailed order. Only in view of our observations in respect of MLC book we had directed Civil Surgeon, Jalna to visit few more Rural Hospitals or Primary Health Centres in the district and check how MLC books are maintained. A detailed affidavit was called and accordingly learned APP places on record affidavit of Mr. Rajendra Shivajirao Patil, District Civil Surgeon, Jalna. It is stated that he has checked certain hospitals named in the affidavit and he has observed that the format of MLC register is slightly different from place to place, however, there is uniformity in most of the cases, but in few cases there is no uniformity. In most of the MLC registers he had noticed MLC number, date and time of examination, identification marks, history narrated by injured, type of injury, part of body on which injury is caused and size of injury. He further states that as per the Official Memorandum dated 28.10.2014 issued by the Ministry of Health and Family Welfare, Government of India regarding the period of storage of medical record, it is mentioned that the record of patient case sheet, OPD register and MLC register are preserved for 10 years or till the disposal of the Court case. He had tried to get information about under which provisions of law MLC book is directed to be maintained or whether there are Government

circulars setting forth the format of MLC book, but no official record to that effect has been found. He could lay his hand for few points on Hospital Administrative Manual Part - I, which prescribes at page No.231 at 17.15 – *There should be a medico legal register where a complete replica of the case paper is reproduced. Every institution dealing with medico-legal work must maintain two “Medico-Legal Registers, one for antemortem work and other for postmortem work.* He has also laid his hand on a text book viz. “Essentials of Forensic Medicine and Toxicology”, which has been recommended by the Medical Health University for MBBS and Post Graduate Students, which contains some material or information regarding Medico Legal Certificate. He also states that he had called a meeting on 17.03.2025, wherein Medical Superintendent of all Rural Hospitals, Sub-District Hospital, Ambad, Women’s Hospital, Jalna and Primary Health Centre of Jalna and they had the discussion regarding uniformity of MLC register in Jalna district. A format of MLC register has been prepared by them and all the hospitals have been instructed to follow the said MLC register in the said format.

2 In fact, upon his affidavit it appears that our purpose has been served. We aimed at uniformity and replica of the register in the certificate and nothing should remain in the register only because only the certificate would be produced along with charge sheet and not the contents of or photo

copy of the MLC register.

3 We have gone through the format now prepared to achieve the uniformity and we are satisfied with the same. We direct learned APP to apprise the other districts about the steps taken by Jalna district and see that the uniformity is maintained in the Government hospitals or Municipal Hospitals which would ultimately be helping the prosecution and the Courts. Learned APP to take further steps. With these directions we dispose of the application.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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