



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 569 OF 2026

The State Of Maharashtra

VERSUS

Gokul Gotiram Jadhav

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- Mr. A. S. Shinde, APP, for the Petitioner - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 28.04.2026

PER COURT :

1. The present petition is filed by the State of Maharashtra through Pahur Police Station, District Jalgaon, challenging the order dated 02.04.2026 passed by the learned Adhoc District Judge-2 and Additional Sessions Judge, Jalgaon, whereby the application filed by the prosecution under Section 311 of the Code of Criminal Procedure, 1973 seeking permission to examine Chemical Analyser Mr. G. B. Khade as a prosecution witness came to be rejected.

2. Learned APP for the petitioner-State submits that the prosecution had earlier filed an application under Section 293(1) of the Code of Criminal Procedure, 1973 seeking exhibition of the Chemical Analyser's reports. After hearing the learned Prosecutor and the learned counsel for the accused, the learned Trial Court allowed the said application and exhibited the Chemical Analyser's reports subject to objections raised by the defence.

3. Learned APP further submits that in view of the objections raised by the accused, it became necessary for the prosecution to examine the concerned Chemical Analyser for formally proving the reports already exhibited before the Trial Court. It is therefore submitted that the learned Trial Court ought to have allowed the application filed under Section 311 of the Code of Criminal Procedure, 1973 for examining the Chemical Analyser as a witness.

4. The accused filed reply to application Exhibit-139 and strongly opposed the same on the ground that the trial has already been made time-bound pursuant to the directions issued by this Court and that the matter was being listed twice a week for expeditious disposal. It was further contended that the matter is presently fixed for recording the statement of the accused under Section 313 of the Code of Criminal Procedure, 1973.

5. It was also pointed out that the prosecution had already examined its last witness i.e. PW-14 – the Investigating Officer, on 31.03.2026 and thereafter closed the prosecution evidence. Though the Chemical Analyser's reports were exhibited on the same date, the prosecution did not seek examination of the Chemical Analyser before closure of evidence. According to the accused, the present application filed by the prosecution was only intended to prolong the trial proceedings, which are already directed to be expedited by this

Court. Hence, rejection of the application was sought.

6. The learned Trial Court, after considering the application filed by the prosecution as well as the objections raised by the accused, rejected the application under Section 311 of the Code of Criminal Procedure, 1973. Learned APP submits that the impugned order suffers from non-application of mind inasmuch as the learned Trial Court failed to consider that examination of the Chemical Analyser was necessary for proving the Chemical Analyser's reports already exhibited on record. It is therefore submitted that the impugned order is erroneous and liable to be set aside.

7. I have carefully gone through the impugned order dated 02.04.2026 passed by the learned Trial Court. The learned Trial Court has taken into consideration that the prosecution had already filed an application on 31.01.2026 for exhibiting the Chemical Analyser's reports and the same were exhibited as Exhibits-135 and 136 after allowing the said application.

8. The learned Trial Court has rightly observed that in view of the provisions of Section 293 of the Code of Criminal Procedure, 1973, the Chemical Analyser's reports are admissible in evidence and can be read in evidence without formal examination of the Chemical Analyser. The reports being documents issued by a public servant in discharge of official duties carry a statutory presumption with regard

to their authenticity. Therefore, there was no absolute necessity for the prosecution to examine the Chemical Analyser merely for proving the contents of the reports already exhibited on record.

9. The learned Trial Court has also taken into consideration the stage of the trial and the fact that the prosecution evidence had already been closed. The matter was thereafter fixed for recording the statement of the accused under Section 313 of the Code of Criminal Procedure, 1973. In such circumstances, the learned Trial Court was justified in holding that no sufficient ground was made out for exercising powers under Section 311 of the Code of Criminal Procedure, 1973.

10. In my considered opinion, no error, illegality or perversity has been committed by the learned Trial Court while rejecting the application preferred by the prosecution. The petitioner-State has failed to make out any case warranting interference by this Court in exercise of its extraordinary writ jurisdiction.

11. The petition is devoid of merit and substance and is accordingly rejected.

(MEHROZ K. PATHAN, J.)