



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

CRIMINAL APPLICATION (APPA) NO.35/2026

IN

CRIMINAL APPEAL NO.327/2023

(Ramji S/o Raju Pungati Vs. The State of Maharashtra and another)

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

Court's or Judge's orders

Ms. Kirti Deshpande, Advocate for the Appellant.
Mr. Ujjawal Phasate, A.P.P. for the Respondent No.1-Applicant/State.
Ms. C.S. Bhute, Advocate (appointed) for the Respondent No.2.

CORAM: NEERAJ P. DHOTE, J.

DATED: 19.1.2026.

Heard.

2. This is an application by the State under Section 391 of the Code of Criminal Procedure for leading additional evidence.
3. It is submitted by the learned Additional Public Prosecutor that though medical examination certificate of the Appellant who has been convicted was filed with the Charge-sheet, the same was not proved by examining the concerned Medical Officer and now the prosecution wants to examine the said Medical Officer to prove the said document. He submits that, for the reasons assigned in the application, it be allowed.
4. The application is preferred in the appeal preferred by the convict. The appeal is already finally heard and reserved for judgment. There is nothing to show as to what prevented the prosecution to examine the concerned witness to prove the said document. It is only after the submissions were made by the learned Advocate for the Appellant that the said document was not proved,

this application is filed after the Appeal is closed for judgment. On going through averments in the application and submissions advanced, it is clear that the same is filed to fill up the lacuna which is not permissible in law. No ground is made out to entertain the application. Hence, the application is rejected.

(NEERAJ P DHOTE, J.)