

**IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE, AIZAWL**

CrI. Misc. Appln. No. 70/14 in S.R. No. 220/11

u/s 5(1)(a)(b)(c)(d) ITP Act R/w 342/366A/372 IPC R/w 23/26 JCPC

State of Mizoram : Petitioner

Versus

Satyawan & Ors. : Respondent

Date of Order : 20.06.2014

**PRESENT**

*Smt. Helen Dawngliani, AD& SJ*

**APPEARANCE**

For the Petitioner : Rose Mary, Addl. PP

For the Respondent : W. Sam Joseph, Advocate

**ORDER**

This Application u/s 311 CrPC have been filed for examining Dr. C. Ngurbiakveli as Prosecution Witness.

Mrs. Rose Mary, the Id. Addl.PP submitted that as the Investigating Officer while laying the Charge Sheet inadvertantly fail to include the said Medical Officer who examined the victim as Witness. The Id. Counsel submitted that the Medical Officer is a vital witness and if she is allowed to be examined as Prosecution Witness, no prejudice would be cause to the defence and that it is proper that the said Witness is examined for better adjudication of the case.

On the other hand, Mr. W. Sam Joseph, the Id. Defence Counsel objected by submitting that the Investigating Officer on due application of mind choses not to include the Medical Officer as Prosecution Witness and that it is not proper at this stage to examine her as a Witness.

Heard the Id. Counsels and perused the records. It is seen from the record that the case is now at the stage of Prosecution Evidence. If the said Medical Officer is examined as Prosecution Witness, I do not see any reason why prejudice would be cause to the defence in as much as they would be given the opportunity to cross-examine the Witness. I am also of the opinion that the Evidence of the said Medical Office would help in better appreciation and adjudication of the case.

Accordingly, the application is allowed. Dr. C. Ngurbiakveli shall be added as Prosecution Witness.

With the above Order, the application stands disposed of.

**Sd/- HELEN DAWNGLIANI**  
Addl.Dist & Sessions Judge,  
Aizawl Judicial District, Aizawl.

**Memo No. AD & SJ/2014 : Dated Aizawl, the 20<sup>th</sup> June, 2014.**  
**Copy to :**

1. Satyawan & Ors. through Counsel Mr. W. Sam Joseph, Advocate.
2. Mrs. Rose Mary, Addl. PP.
3. Registration Section.
4. Guard File.
5. Case Record.
6. Calendar Judgment.

**P E S H K A R**