
(2010) 12 PAT CK 0011
In the Patna High Court
Case No : Criminal WJC No. 129 of 2010

Dr. Ravi Bhushan Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 08-12-2010

Acts Referred:

Citation : (2010) 1 PLJR 1046

Hon'ble Judges : Shailesh Kumar Sinha, J

Bench : Single Bench

Judgement

Shailesh Kumar Sinha, J.—Heard learned Counsel for the Petitioner and the State.

2. The prayer of the Petitioner is that the Respondent-authorities be directed not to compel him to appear personally in any of the courts as a medical witness. Alternatively, the prayer is that the criminal courts be directed to issue commission for examination of the Petitioner as a medical witness, if necessary, in any criminal case/trial being held in different criminal courts within the State of Bihar.

3. Learned Counsel for the State opposes the prayer.

4. Considering the submission of the parties, it appears that the only anxiety of the Petitioner is that on account of various engagements as a professional in conducting the treatment of injured patients, it has become difficult for him to attend the courts for deposing as a medical witness ignoring the lives of the patients. In my opinion, for the inconvenience of the Petitioner to appear as a medical witness in all the courts across the State or issuance of commission for his examination, no blanket order can be passed. However, depending upon the necessity and availability of the Petitioner vis-a-vis his professional engagement, it will be open for the prosecution to obtain necessary orders from the courts either for fixing a convenient date, on that date the Petitioner can present himself for his examination or, alternatively, if the facts and circumstances so demands, pray for issuance of commission for his examination as per the

relevant provisions under the Code of Criminal Procedure.

5. The writ application stands disposed of with the above observations.