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MCRC-46418-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 6th OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 46418 of 2024*MALINI JAIN**Versus**PANKAJ BHUTAD AND OTHERS*

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Appearance:

Shri Akash Singhai - Advocate for the petitioner.

Shri Eshaan Datt - Advocate for the respondent No.1.

Shri Amit Bhurak - PL for State.

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ORDER

Being aggrieved by the order dated 30.08.2024 passed in ST No. 35/2022 by the learned 1st ASJ, Chhindwara, whereby the application under Section 65B of the Evidence Act preferred by the petitioner has been dismissed.

An FIR was lodged on 13.10.2021 for the offences punishable under Sections 420, 467, 468, and 471 of the IPC against respondent No. 1, alleging that he forged certain medical treatment documents of the husband of the present petitioner, who subsequently died during treatment.

It is submitted by learned counsel for the petitioner that the trial court has mechanically dismissed the application without appreciating that the voice recording of the deceased is relevant to the alleged offence. It is further submitted that, without considering the material fact that the pen drive is directly related to the offence and the FIR, the trial court rejected the application. Learned counsel further submitted that the accused persons failed to provide proper medical treatment to the deceased, which directly resulted in his death. This fact is



mentioned in the FIR, and it is also alleged that the accused attempted to extort money from the family of the deceased and, in order to conceal his negligence in service, prepared forged documents.

It is further submitted that the allegation against the accused is that he failed to provide any medical treatment to the deceased, which directly resulted in the death of the deceased. This fact is available in the pen drive because, prior to his death, the deceased had telephonic conversations with his family members wherein he stated that the accused had not provided any medical treatment. This confirms that the accused prepared forged documents regarding medical treatment merely to hide his negligence. Therefore, the questioned pen drive is necessary for a just and fair decision of the case.

On the other hand, learned counsel for the respondents opposed the petition and submitted that the trial court has passed a reasoned order. It is contended that the family members of the deceased did not disclose this fact in their statements recorded during the investigation under Section 161 of the Cr.P.C. It is further submitted that the incident took place on 25.04.2021, and the application having been filed after three years and three months creates serious doubt regarding the authenticity of the questioned article. Therefore, the trial court rightly rejected the application under Section 92 of the Cr.P.C.

Heard learned counsel for the parties and perused the case diary.

The main contention of the petitioner is that prior to death, the deceased had telephonic conversations with his family members wherein he stated that the accused had not provided proper medical treatment. This fact relates to the alleged negligence of the doctor; however, the charges framed against the accused/respondent are under Sections 420, 467, 468, and 471 of the IPC for



forging medical documents. The trial court rejected the application on the ground that there is no evidence available on record to identify the voice of the deceased, Satish Kumar Jain. The trial court also observed in the impugned order that, in the absence of any accepted and definite evidence identifying the voice of the deceased, even if the pen drive containing the alleged conversation is taken on record, the prosecution would have no evidence to prove the said conversation. Another ground for rejection noted by the trial court is that the questioned conversation does not appear to be relevant for deciding the case, as it pertains to medical negligence, whereas no charge of medical negligence has been framed against the accused, who is charged only with forging medical documents.

Perusal of the record reflects that the incident took place in the year 2021, and the application under Section 92 of the Cr.P.C. was filed after three years and three months, i.e., on 24.07.2024. Further, this fact was not disclosed by any family member of the deceased in their statements recorded under Section 161 of the Cr.P.C. during the investigation.

In view of the aforesaid, I do not find any infirmity or illegality in the order passed by the trial court warranting interference. Consequently, the present petition, being devoid of merit, stands dismissed

(B. P. SHARMA)
JUDGE

SM