

Govind Vs. State of Gujarat

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Court : Gujarat

Decided On : Sep-02-1966

Reported in : AIR1967Guj288; 1967CriLJ1633a

Judge : V.B. Raju, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1898](#) - Sections 174 and 509;
Evidence Act, 1982 - Sections 157

Appeal No. : Criminal Appeal No. 370 of 1965

Appellant : Govind

Respondent : State of Gujarat

Advocate for Def. : B.M. Sompura, Asst. Govt. Pleader

Advocate for Pet/Ap. : H.K. Thakore, Adv.

Judgement :

(1) The Medical officer did not describe the twenty four injuries, which he deposed, he found on the person of the deceased, but he merely stated that he had stated the description of the injuries in the post mortem report. The post mortem report is not evidence, even if it be used to corroborate the evidence of the medical officer. Before it can be used to corroborate, there must be evidence in the evidence of a witness, which can be corroborated. In all such cases, it is necessary for the

doctor to describe all the injuries in his evidence. The conviction and sentence are, therefore, set aside and the matter is ordered to be re-tried.

(2) Appeal allowed.

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