

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: November 01, 2010

Date of Order: 16th November, 2010

+ Crl.M.C.No. 3127/2009

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16.11.2010

Chaitanya Bhardwaj @ Chaitanya ... **Petitioner**
Through: Mr. Saifi Ahmad, Advocate

Versus

State Govt. of NCT of Delhi & Anr. ... **Respondents**
Through: Mr. Sunil Sharma, APP for the State
with Inspector Suresh Kumar

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

This petition has been preferred against the order dated 1st September, 2009 of learned MM whereby the learned MM permitted the Investigating Officer to go ahead with Narco Analysis and Brain Mapping Test of the accused despite opposition by the accused. Although the learned MM had directed for observing certain safeguards, however, in view of judgment of Supreme Court in Smt. Selvi & Ors. v. State of Karnataka JT2010(5)SC11, this petition has to be allowed as Supreme Court has observed that this test can be conducted only with the consent of the accused. As there is no consent given in the present case, the order of the trial Court, in view of latest legal position, cannot stand. The petition is allowed. The order dated 1st September, 2009 of learned MM is set aside.

November 16, 2010
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SHIV NARAYAN DHINGRA, J.