

**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.5764 of 2015 (O&M)
Date of Decision: September 04, 2015**

Rakesh Kumar

.... Petitioner

vs.

Om Parkash

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Poonam Josan, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 14.07.2015 (Annexure P-1) passed by learned Civil Judge (Sr. Divn.), Guru Har Sahai, vide which the permission to the defendant to take the voice sample of the PW1 Paramjit Singh and get it examined from the Forensic Science Laboratory for the purpose of comparison of his voice in the C.D., was declined.

It comes out that the plaintiff had filed a suit for recovery. One Paramjit Singh was examined as PW1. According to the defendant-petitioner, in a sting operation, the video and audio of the said witness was recorded, which was confronted to him during the cross-examination twice. The Court observed at the first instance that the voice was not audible. However, at the second time, the C.D. was

operated by a special operation system. The witness had admitted his presence in the video but denied his voice. The case is now fixed for arguments.

I am of the view that even if Paramjit Singh-PW1 admits something, it is not binding on the plaintiff, moreover, the transcript of the C.D. was not produced to show that what are the contents of conversation.

It is always open to the present petitioner to examine the person, who had recorded the said video to prove the same and also its contents.

It being so, the permission to take the voice sample of the PW1 Paramjit Singh and get it examined from the Forensic Science Laboratory for the purpose of comparison of his voice in the C.D., was rightly declined by the lower court.

Accordingly, the present revision petition stands dismissed.

September 04, 2015
sarita

(KULDIP SINGH)
JUDGE