

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.12209 of 2014

Date of Decision:-08.09.2015

Kamal Verma.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Dhivya Jerath, Advocate for the Petitioner.

Mr. R.K. Doon, AAG Haryana.

Mr. Vivek Goyal, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Petitioner accused has invoked the jurisdiction under Section 482 Cr.PC seeking quashing of the impugned order dated 13.03.2014 passed by the learned Additional Sessions Judge, Panchkula whereby the application of the petitioner-accused under Section 73 of the Indian Evidence Act for issuance of directions to the obtain voice sample of the minor prosecutrix has been dismissed.

This Court while issuing notice of motion had stayed the passing of the final order by the learned trial Court vide order dated 09.04.2014.

It is apparent that the impugned order was passed on her refusal to furnish her voice sample so as to be compared with the CD already

placed on record.

At the time of hearing learned Counsel for the complainant states that his client has absolutely no objection if her voice sample is taken.

No doubt that no body can be compelled to give voice sample, however, in view of the fact that complainant is ready and willing to furnish the same and thus removing the basis of the passing of the impugned order, this Court is inclined to accept the prayer of the petitioner.

Accordingly, the petition is allowed and impugned order dated 13.03.2014 passed by learned Additional Sessions Judge, Panchkula is set aside and the learned trial Court is directed to pass a fresh order based on the aforesaid concession of the complainant in accordance with law.

(JASWANT SINGH)
JUDGE

September 08, 2015
Vinay