

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

**Criminal Misc. No. M-44324 of 2015
Date of Decision:-18.01.2016**

Mukesh Kumar @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Ajay Kamboj, Advocate for the petitioner.

HARI PAL VERMA J.(Oral)

Challenge in the present petition is to the impugned judgment dated 04.06.2015 passed by Judge, Special Court, Bathinda (Annexure P-2) vide which the application filed by the petitioner under Section 311 Cr.P.C. for summoning Chemical Analyzer/Assistant Analyzer, (Toxicology) Forensic Science Laboratory, Punjab, who chemically examined samples of contraband sent by the prosecution, was dismissed.

Learned counsel for the petitioner contends that the said Analyzer is required to be examined in support of its report.

Heard.

Section 293 of the Cr.P.C. is the clear answer of the aforesaid contention, as put forward by counsel for the petitioner. Section 293 of the Cr.P.C is reproduced as under:-

“293. Reports of certain Government scientific experts.

1. Any document purporting to be a report under the hand of a Government scientific expert to whom this section applies, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.
2. The Court may, if it thinks fit, summon and examine any such expert as to the subject- matter of his report.
3. Where any such expert is summoned by a Court and he is unable to attend personally, he may, unless the Court has expressly directed him to appear personally, depute any responsible officer working with him to attend the Court, if such officer is conversant with the facts of the case and can satisfactorily depose in Court on his behalf.
4. This section applies to the following Government scientific experts, namely:-
 - (a) any Chemical Examiner or Assistant Chemical Examiner to Government;
 - (b) the Chief Inspector of- Explosives;
 - (c) the Director of the Finger Print Bureau;
 - (d) the Director, Haffkeine Institute, Bombay;
 - (e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;
 - (f) the Serologist to the Government.
 - (g) any other Government scientific expert specified, by notification, by the Central Government for this purpose.”

In view of the specific provision of 293 Cr.P.C. such like reports are perse admissible and report so furnished by the FSL, Punjab contains all details that the petitioner intends to examine, no interference is required from this Court.

Dismissed.

18.01.2016
Anjal

(HARI PAL VERMA)
JUDGE