

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

**CRR No.1914 of 2017
Date of Decision: 22.05.2017**

Vardhman Jain

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Gobind Korla, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

Petitioner has come up in revision against the revisional order dated 23.03.2017, whereby, learned Additional Sessions Judge, Ludhiana, has allowed the application under Section 9 of the Evidence Act, 1872 for taking visual body and voice sample of the petitioner.

A perusal of the order dated 23.03.2017 shows that prosecution intends to visual body sample and voice sample of accused/petitioner Vardhman Jain. The trial is at the stage of defence evidence. In this case, challan has already been filed and accused had been charge-sheeted. Learned trial Court has allowed the application on the ground that once a CD was part of investigation, taking of visual body and voice samples for the purpose of comparison does not infringe Article 20(3) of the Constitution in any manner. Learned trial Court has held that provision of Section 9 of the Indian Evidence Act provide that the fact which establishes the identity of anything or person whose identity is relevant, are relevant in so far as necessary for the purpose.

So in the light of the discussion, the orders of the trial Court do not reflect any material irregularity or perversity which warrant interference. Hence the present revision stands dismissed.

**(RITU BAHRI)
JUDGE**

22.05.2017

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