

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

CR-2776-2018

Decided on : 05.12.2019

Satish Kumar

... Petitioner(s)

Versus

Hardeep Kaur and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Naveen Batra, Advocate
for the petitioner(s).

Mr. Anubhav Bansal, Advocate
for respondent No.1.

MANJARI NEHRU KAUL, J.

The instant revision petition has been preferred to set aside the impugned order dated 07.04.2018 (Annexure P-5) passed by the Ld. Addl. District Judge, Hoshiarpur (hereinafter referred to as 'the Ld. Court below'), vide which the application moved for taking the voice sample of respondent No.1 for comparison, was dismissed.

Counsel for the petitioner contended that the Ld. Court below failed to appreciate that a divorce petition had been filed by the petitioner on the ground of adultery and it was in this background, he needed to prove his case against respondent No.1 by sending her voice sample for comparison to a laboratory as he had in his possession a compact disc which allegedly contained her conversation with respondent No.2.

Counsel for respondent No.1 while strenuously opposing the submission of the counsel for the petitioner, urged that the Ld. Court below had rightly dismissed the said application. It was urged that the compact

disc which allegedly contained the conversation of respondents No.1 & 2 was in fact a fabricated conversation, which had allegedly been recorded by the petitioner from a mobile phone, which was admittedly in his possession and was always used by him.

I have heard the counsel for the parties and gone through the case file.

On a perusal of the impugned, I do not find any ground is made out, which would warrant interference of this Court, as the phone from which the alleged recording of conversation between respondents No.1 & 2, was obtained by the petitioner had always been in the possession of the petitioner. Needless to say that the alleged voice sample of respondent No.1, if sent to the laboratory would amount to creating evidence in favour of either of the parties and the Courts cannot be used as a tool for the same.

In view of the above, no case for interference by this court is made out. The revision petition is thus dismissed.

(MANJARI NEHRU KAUL)
JUDGE

December 05, 2019

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No