

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

**CRR-459-2019 (O&M)
Date of Decision : 25.02.2019**

Shivendra Parkash

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Rajiv Sharma, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 401 Cr.P.C. against the order dated 08.02.2019, passed by the learned Addl. Sessions Judge-cum-Judge Special Court, Chandigarh, vide which the application for comparison of voice sample of petitioner and complainant, her father and mother to forensic laboratory has been dismissed.

The petitioner is facing trial for the offence under Section 376 (2) IPC in case FIR No.273 dated 02.08.2017, registered at Police Station Sector 34, Chandigarh. The said FIR has been lodged on the ground that petitioner under the pretext of marriage, committed rape upon the prosecutrix.

The petitioner moved an application for comparison of his voice as well as the voice of complainant and her parents to forensic science laboratory and the same was dismissed.

I have heard learned counsel for the petitioner and gone

through the record as well as the transcription of the four compact disks (Cds), which have been placed on record by the petitioner.

The transcription/conversation are much prior to the occurrence. The transcription/conversation has no relevancy with the occurrence in question. As such, those cannot be allowed.

Learned counsel for the petitioner has placed reliance upon the judgment of Hon'ble Supreme Court in *T.Nagappa vs. Y.R.Muralidhar* *2008 AIR SCW 3349*. But to the mind of this court, the facts of the said case are entirely on different footing.

In view of aforesaid, this court is of the opinion that the impugned order does not suffer from any illegality, infirmity or irregularity and the same does not call for any interference and is hereby affirmed.

Therefore, the instant revision petition being devoid of any merit is hereby dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

25.02.2019
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No