

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

CRM-M-46042-2017

Date of decision: February 22, 2019

Sanjay

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Pradeep Virk, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 18.11.2017 passed by learned Additional Sessions Judge, Sonapat in case bearing FIR No.70 dated 05.09.2015, under Sections 376-D, 120-B, 506, 34 of the Indian Penal Code and under Section 67 of the Information Technology Act at Police Station Women, Sonapat vide which application moved by the petitioner for sending micro SD1 card (blue) of 4 GB to the Central Forensic Science Laboratory, Chandigarh to ascertain the date, time, month and year of capturing or storing or transferring 29 alleged nude photos in the aforesaid memory card/SIM card was dismissed.

During the investigation, it is mentioned that SD card was sent to the Forensic Science Laboratory and it prepared the report. In defence evidence, petitioner examined DW-3 Dr. M. Baskar, Deputy Director (Physics), CFSL, Chandigarh who has stated that he cannot tell on which date, time, month and year, 29 nude photos in memory card were captured or

transferred in the said memory card SD-1 and this question was not put by the police to him.

This court is of the considered view that for the purpose of fair trial, accused be given an opportunity to re-examine the witness and the SD-1 memory card be also sent to the Forensic Science Laboratory so that he may ascertain the date, time, month and year of the 29 nude photos uploaded in the micro SD-1 card.

Allowed to this extent.

Learned trial court is directed to send the memory card and SD-1 card to the Forensic Science laboratory and further direction is issued that the Forensic Science Laboratory shall submit the report at the earliest from the date of receipt of the record.

(RAJ SHEKHAR ATTRI)
JUDGE

February 22, 2019
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No