

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 102 OF 2022

Bhushan Prabhakar Wagh	... Petitioner
Versus	
The State of Maharashtra	... Respondent

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Mr. K. C. Sant, Advocate for petitioner
Smt. Geeta L. Deshpande, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 03rd MARCH, 2022

PER COURT :-

. Heard.

The challenge herein is to the order dated 19.11.2021, passed by the learned Additional Sessions Judge, Bhusawal, below Exh.63 in Sessions Case No.21 of 2014. It was an application moved by the petitioner-accused for issuance of summons to an expert who has issued voice analysis report Exh.48. The trial Court has rejected the application mainly on the ground that the Government has accorded status to such an expert of Deputy Director, Director or Assistant Director of Forensic Science Laboratory, whose reports have to be admitted in evidence in terms of Section 293 of the Code of Criminal Procedure.

2. In view of this Court, the science, in identification of voice is not perfect. Without going into the merits of the matter, so as to give the petitioner an opportunity to cross examine the witness who has given the report Exh.48, this writ petition is allowed in terms of prayer clause (B).

3. The APP In-charge of the case would be at liberty to first examine the expert in examination-in-chief and the trial Court shall permit the petitioner to cross examine the witness concerned. Exercise to be completed within a period of two months from the date of receipt of copy of this order. In the meantime, the trial Court may examine other witnesses.

[R. G. AVACHAT, J.]

SMS