

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.9494 OF 2022

O R D E R:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/A2 to set aside the order dt.29.09.2022 passed in CrI.MP.No.521/2021 in Cr.No.2/ACB-KMM/2020 by the I Additional Special Judge for trial of SPE & ACB Cases, Hyderabad, whereby the learned Special Judge directed Accused Nos.1 and 2 to appear before the Director, TSFSL, Hyderabad on 13.10.2022 to take the voice samples for the purpose of comparison and opinion with the audio, video recordings available in the spy gadgets.

2. Aggrieved by the aforesaid order dt.29.09.2022, the petitioner herein who is arrayed as Accused No.2 filed this petition.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

4. Learned Counsel appearing for the petitioner would submit that the application was made prior to filing of the charge sheet and by the time the impugned orders are passed, charge sheet was already filed; and that when the ACB had already made out their case and filed charge sheet, question of again sending the voice samples to an expert for comparison would only amount to collecting evidence subsequent to filing of charge sheet.

5. The direction given by the learned Special Judge to give voice samples cannot be interfered with, though the said orders were passed after filing of the charge sheet. The request of the Investigating Agency was pending even prior to the filing of charge sheet and that will not be taken away, if the charge sheet is filed.

6. Accordingly, there are no grounds and the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 03.02.2023
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Dt. 03.02.2023

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