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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5044/2023

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..... Petitioner

Through: Mr. Gaurav Kumar, Adv.

versus

STATE AND ANR.

..... Respondents

Through: Mr. Utkarsh, APP for the
State with SI Pramod
Kumar, PS Anand Vihar,
Delhi.
Mr. Bhumit Solanki and
Mr. Abhinav Sharma,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

30.01.2024

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1. The learned Additional Public Prosecutor for the State, at the outset, submits that the alleged conversation between the petitioner and Respondent No. 2, was handed over by the complainant herself to the Investigating Agency during the course of investigation.
2. He submits that the complainant is not denying that the voice in the said recorded conversation, is that of Respondent No. 2.
3. He further submits that Respondent No. 2 does not deny that the voice in the said recorded conversation is his voice and therefore, any further collection of voice samples is not required.
4. On instructions, the learned counsel for Respondent No. 2 submits that Respondent No. 2 undertakes that he will not dispute the fact that the voice in the said recording, handed over by the



complainant to the Investigative Agency, is his.

5. Respondent No. 2 is bound down to the said undertaking.

6. In such circumstances, without going into the issue as to whether the Magistrate is empowered to compel the accused to give voice samples for the purpose of investigation, this Court is of the opinion that no order in the present petition is required to be passed at this stage, since the prayer of the State, as pleaded by the complainant before this Court, is satisfied.

7. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JANUARY 30, 2024

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