



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2273/2020 & CRL.M.A. 16132/2020

SH B RAMACHANDHIRAN

.....Petitioner

Through: Mr. Naveen Malhotra,
Advocate (through VC).

versus

CBI

.....Respondent

Through: Mr. Ripudaman Bhardwaj,
SPP with Mr. Kushagra
Kumar and Mr. Amit
Kumar Rana, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

11.09.2025

1. The present petition is filed challenging the order dated 04.11.2020, passed by the learned Special Judge, Rouse Avenue District Court, New Delhi, in RC No. 09(A)/2017/AC-III, New Delhi, whereby the application filed by CBI for directions to the petitioner to give his voice sample was allowed.

2. In the impugned order, relying upon the judgment passed by the Hon'ble Supreme Court in ***Ritesh Sinha v. State of Uttar Pradesh & Anr. : CRL.A. 2003/2012***, the learned Special Judge held that the Magistrate has the power to order a person to give his voice sample for the purpose of investigation of a crime.

3. The learned Special Judge further noted that the prosecution wants to establish the alleged recorded conversation of the accused with certain other accused persons, whereby, certain sensitive information was allegedly provided and which allegedly also reveals that bribe amount was arranged by the



petitioner.

4. The learned counsel for the petitioner submits that the voice sample has since been given. He submits that the Hon'ble Apex Court in ***Ritesh Sinha v. State of Uttar Pradesh & Anr.*** (*supra*) had left the issue open as to whether the learned Magistrate has the power to compel the accused to give his voice sample.

5. He submits that in such circumstances the learned Magistrate does not have any power to direct the accused to give his voice sample in the aid of the investigation.

6. I find no merit in the arguments advanced on behalf of the petitioner.

7. In ***Ritesh Sinha v. State of Uttar Pradesh & Anr.*** (*supra*), the Hon'ble Apex Court had categorically held that until explicit provisions are engrafted in the Code, the judicial Magistrate must be conceded the power to order a person to give a sample of his voice for the purpose of investigation. The Hon'ble Apex Court conferred on the Magistrate such power in exercise of jurisdiction vested with it under Article 142 of the Constitution of India.

8. Reliance is placed on the judgment passed in ***K.S. Puttaswamy (Aadhaar-5J.) v. Union of India : (2019) 1 SCC 1*** to contend that the fundamental right to privacy cannot be violated by the Magistrate in the absence of any specific power conferred on the Court. The Hon'ble Apex Court in the said case had specifically noted that the fundamental right to privacy is not absolute and the same has to bow down to compelling public interest.

9. Although the said issue has not been finally adjudicated by
CRL.M.C. 2273/2020

Page 2 of 3



the Hon'ble Apex Court, however, considering the specific powers that have been conferred on the Magistrate by exercising powers under Article 142 of the Constitution of India, in the opinion of this Court, the Magistrate is empowered to compel giving voice samples if the same is required for the purpose of investigation of a crime.

10. In view of the above, I find no reason to interfere with the impugned order.

11. The petition is therefore dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 11, 2025

DU