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FINGERPRINTS: A FORENSIC TOOL FOR CRIMINAL INVESTIGATION

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ABSTRACT:

Fingerprints have been the gold standard for personal identification in the forensic community for more than one hundred years. Fingerprints are commonly used tools to understand the individuality of a person so as to reveal his or her identity. Usually, no crime can be committed without the aid and assistance of the hands, the prime body part of the person. Fingerprints are of permanent nature and they remain same throughout the life of an individual. Fingerprints are of Universal Nature which means all individuals carry this medium of identification. A criminal uses his hands in committing any crime and hence leaves marks on the scene of occurrence or on any object, which come in contact with his hands while committing the crime. Hence, there are chances of occurrence of fingerprints in all crimes and these impressions work as an evidence for identification of person involved in any crime. That in this article most of the significant aspect of fingerprint and footprint are going to be emphasized.¹

INTRODUCTION:

Fingerprints have been the gold standard for personal identification in the forensic community for more than one hundred years; still universal in spite of the discovery of DNA fingerprint. Fingerprints have provided key evidence in countless cases of serious crime. When it comes to crime, criminals try to cover up evidence which is within their reach. But fingerprints are something which cannot be curtailed up easily and because of which; it plays an important

¹ <https://www.legalserviceindia.com/legal/article-2463-fingerprints-a-forensic-tool-for-criminal-investigation.html> last seen on 29/08/2024.

role in solving a crime. Prints are something which is left over on anything touched and they cannot be covered up because human fingerprints are unique, difficult to alter, and durable over the life of an individual, making them suitable as lifelong markers of Human Identity. Fingerprints can be readily used by police or other authorities to identify individuals who wish to conceal their identity, or to identify people who are incapacitated or deceased, as in the aftermath of a natural disaster. Without prints there would be no evidence at a crime scene that lasts long enough without disappearing.

HISTORICAL BACKGROUND OF FINGERPRINTS

Uses of fingerprints are found in ancient Babylonian, Chinese, Persian, Roman civilization. These prints are considered the oldest friction ridge skin impressions found to date. The deposition of the prints found in ancient civilization was not specific and clear as the prints were made intentionally or accidentally. Fingerprints were found in Babylon in clay tabs, seals and pottery in which the deeds had been written in the second millennium BC. Law officials used to take the fingerprints of arrested people during the reign of King Hammurabi (1792-1750) BC in Babylon. These have also been seen on the walls of Egyptian tombs, Greek and Chinese potteries and also in bricks and tiles found in ancient Babylon and Rome.

In the period of Chinese Dynasty, fingerprints as well as hand and footprints were collected and used as forensic evidence. By 650, and before 851 CE, Arab merchant Abu Zayd Hasan witnessed fingerprints as a means of authentication. The famous Persian physician Rashed-al- Din Hamadani (1247-1318 AD) refers to the Chinese practice of identifying people via their fingerprints and commented that 'Experience shows that no two individuals have fingerprints exactly alike'. Japan also allowed its illiterate citizens to use fingerprints as the signature in divorce papers by 702. Friction ridge skin was first described in details by Dr Nehemiah Grew in 1684. In 1877 Sir William Herschel in India started to use fingerprints on contracts and deeds and registering prisoners. Later fingerprint bureau was established in Kolkata. Azizul Haque and Hem Chandra Bose were two Indian fingerprint experts who primarily developed a Fingerprint Classification System, named after their supervisor and it was known as Henry Classification System.

Sir Francis Galton then further worked on it and published details on fingerprint analysis and identification and showed that chance of false positive fingerprint was about 1 in 64 billion people. Argentina became the first country to rely solely on fingerprints as a method of

individualization. Nowadays, it is used worldwide to recognize individual in any matter of disputes and questions in the premises of the Court.

²2019 - World's Largest Database: The Unique Identification Authority of India is the world's largest fingerprint system using fingerprint, face and iris biometric records. India's Unique Identification project is also known as Aadhaar. Aadhaar is a voluntary program, with the goal of providing reliable National ID documents to most of estimated India's 1.25 billion residents. As of January 2017, the Authority has issued more than 1.11 billion (more than 111 crore) Aadhaar numbers.³

IMPORTANCE OF FINGERPRINTS

The judiciary and public took some time to believe in the importance of fingerprints as scientific aid, but the same is now recognized throughout the world. The fingerprint as evidence plays a major role because of the following features:

Unique: The fingers have papillary ridges and which have complex patterns differing from one another. The patterns which are found not only vary from one individual to other instead they are different and unique within an individual. Duplication of the patterns has never been observed; nor expected.

Permanent: Fingerprints are of permanent nature and they remain same throughout the life of an individual. The ridges which are found on the fingers appear before birth i.e. during the third, fourth month of pregnancy. Even the fingerprints remain after death of an individual until the first layer of the skin i.e. epidermal layer is destroyed by fire, insects, and putrefaction or by any other creatures. Even it is not possible to remove the epidermal layer by any surgery neither possible to destroy the ridges by rubbing, cutting, or by burning. Fingerprints are the nature identity card given to each individual.

Universal: Fingerprints are of Universal Nature which means all individuals carry this medium of identification. A criminal uses his hands in committing any crime and hence leaves

² https://scholar.google.co.in/scholar?q=history+of+fingerprints&hl=en&as_sdt=0&as_vis=1&oi=scholart last seen on 29/8/2024

³ <https://apolitical.co/solution-articles/en/india-created-largest-database-residents-identities-planet> last seen on 29/8/2024.

marks on the scene of occurrence or on any object, which come in contact with his hands while committing the crime. Hence, there are chances of occurrence of fingerprints in all crimes. There are many criminals who use gloves while committing crime and in these situations no fingerprints can be identified.

Inimitable: Imitation of fingerprints cannot happen. People have attempted but successful forgery of fingerprints is not reported so far. The investigating officer and experts can identify this; the advancement of science may bring forgery still closer to perfection but complete success is extremely difficult.

Classifiable: Classification of fingerprints can be done easily because everyone has different pattern of their ridges; hence different fingerprints. Records of millions and millions of persons can be classified and retrieved when needed.

Nature And Classification Of Fingerprints

Palmar surfaces of the hands and of the feet have friction ridges. These ridges are the raised portions of the skin. These are known as epidermal ridges. These ridges follow different directions giving rise to multitudinous patterns. And these marks are the creator of the fingerprints. There are various ridges in a fingerprint leading to different lengths, shapes, turning, joining, bifurcation, etc. and these combinations have virtually infinite variations. Each and every finger has a pattern of its own.

These patterns have been divided for classification based upon their general shapes including:

Henry System: This was developed in India and is used in most part of the world.

Roschler System: This was developed in Germany.

Vucetich System: This is used in South America

Henry System which is being used in India classifies fingerprints as: Loop patterns found in nearly 60-65% of population, 25-35% people have whorls, about 6-7% people have arches and about 1-2% people have composites. The loops can be either Ulnar or Radial; Whorls can be Concentric, Spiral, Double spiral, Almond shape and Arches can be Plain, Tented,



and Exceptional. A criminal while committing any crime touches many objects and they are likely to bear fingerprints which can be obtained during investigation. The investigating officer tries to reconstruct the scene of crime and imagine himself as a culprit and tries to identify the location which he himself have touched in commission of crime and by doing this the investigating officer has to be careful that he does not leave his fingerprints on any of the articles and tries to preserve other evidences as well.⁴

Fingerprint Uniqueness In Twins

Fingerprint is unique due to its variations in twin babies. Twins are fraternal twins or identical twins. The frequency of identical twins is about 0.4% across different populations. Fingerprints can be used to distinguish between twins. Jain showed, by comparing 94 pairs of identical twins, that the verification system can be used to distinguish fingerprints of identical twins. By analyzing 66 pairs of twins, Han found that fingerprints can be used to identify identical twins with an insignificant error in the performance.

Procedure For Collecting Fingerprints Found At The Scene Of Crime

Basically, the purpose of collecting fingerprints is to identify the accused, suspected or any other witness. The search for fingerprints should be done in a systematic manner i.e. the area suspected must be thoroughly checked. The fingerprints which are being found in the scene of occurrence are divided in three major parts as Latent, Patent and Impressed fingerprints. A magnifying glass helps to judge the quality of fingerprints. Polylight System is quite convenient for searching of fingerprints because radiations are being given by this and they are in the form of strong beams leading from UV to IR. Even this system is portable and can be used elsewhere.

Latent fingerprints are the ones which are invisible to the naked eyes so the powders are excellent medium to develop the latent prints. This print is made of the sweat and oil on the skin's surface. There are many powders which are being used such as Grey for dark colored surfaces, Black against light backgrounds, Fluorescent powder for multi- color surfaces,

⁴ <https://www.legalserviceindia.com/legal/article-2463-fingerprints-a-forensic-tool-for-criminal-investigation.html> last seen on 30/8/2024.

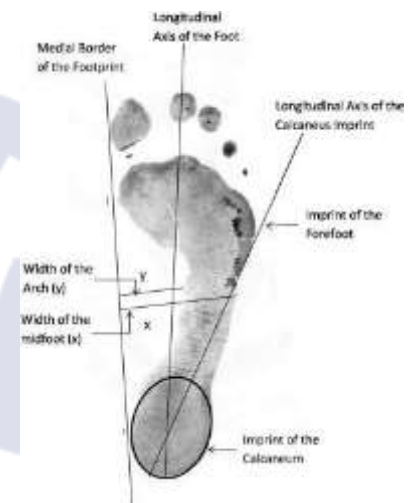
Metallic powder like Aluminum, Copper, Brass, Gold, Antimony on special surfaces and mostly where the fingerprints are on sticky surface. Fuming Techniques of Iodine, Cyanoacrylate and Metallic vapors, Chemical Methods and Laser Development are certain other techniques which help to collect Latent fingerprints.

Patent Fingerprints are the ones which are visible to human eyes as they can be formed with any contact from blood, grease, dirt or ink. Impressed fingerprints are also visible to naked eyes and they are formed by pressing fingers on tar, soap, wax or any other fresh liquid. These are three dimensional impressions.

FOOTPRINT.

*Pritamsing vs. State of Punjab*⁵

The science of identification of foot prints is no doubt a rudimentary science and not much reliance can be placed on result of such identification. The track evidence however, can be relied upon as a circumstances, which along with other circumstances would point to the identification of the culprit though by itself it would not be enough to carry conviction in the mind of the Court.



*Shankaria vs. State of Rajasthan*⁶

Although, the science of identification of **foot prints and** moulds is not developed science and track evidence by itself, may not be deemed sufficient to carry conviction in criminal trial, yet it is relevant circumstances which taken into account along with other evidence may reinforce the conclusion as to the identification of culprit. The evidence of similarity of the foot moulds taken in conjunction with the circumstances that at the scene of occurrence, there were bare footprints which appear to be of one person, does lend further assurance to what the appellant has stated in his confessional statement with regard to his going about bare footed.

⁵ AIR 1956 SC 415

⁶ AIR 1978 SC 1248

Statutory Recognition In India

Identification Of Prisoners Act, 1920

The main objective of this act is to provide legal authority for collecting of measurements relating to finger impressions, footprints, photographs of the person accused or suspected of any offence. Before the enactment of this Act, taking of finger impressions of criminals and suspected criminals is void of legal sanction. But now it has validated the taking of finger impressions and measurements as mentioned in S.3. It explains that every person who has been convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards shall give his measurements to be taken by a police officer. The term measurements include finger impressions also. The Act also makes it compulsory to destroy the measurements on discharge or acquittal by any court.

S. 4 of the Act says about taking the measurements of non convicted persons and it says that any person who has been arrested for an offence punishable with rigorous imprisonment for a term of one year or upwards shall allow his measurements to be taken.

Under S. 5, the magistrate can direct any person to allow his measurements for the purpose of carrying out the investigation.

Code Of Criminal Procedure, 1973

S. 293 explain that the report submitted by Director of Forensic Bureau can be taken and accepted as evidence. Basically this section intends to save time and avoid needless examinations. But if certain suspicions arise in the report the court can summon the person who has submitted the report.

Indian Evidence Act, 1872

The importance of fingerprints due to its uniqueness, permanence, universality, inimitability and classification ability gave statutory recognition and the legislators held fingerprint as valid evidence. The Indian Evidence Act, 1872 contains provisions wherein fingerprints are considered as a valid piece of evidence.

S. 45 says that when the court has to form an opinion on a point of law which includes foreign law, science or art, handwriting, finger impression, the opinion of persons skilled in that particular area will be accepted. Originally the term finger impression was not included in the

section. The Amendment Act of 1899 added the phrase finger impression. S.73 explains that the court may direct to any person present in the court to give his fingerprints if the same is required for comparison with questioned fingerprints by the court.

Fingerprints and Right Against Self Incrimination

One of the major governing issues of fingerprint is the policy of Self Incrimination. Whether obtaining of finger impressions from an accused amounts to self incrimination has been put to debate. The right against self incrimination is regarded as one of the main safeguard in criminal procedures. Reasons being that of ensuring reliability of the statements made by an accused, and secondly, ensuring that the statements which are made by an accused are voluntarily given. There are many chances that the person who is regarded as accused or suspect may be compelled by coercion or threats during his investigation process and when a person is being compelled to do so there are higher chances that he may give false testimony. False testimony leads to mislead of judges and even the prosecutor and leading in miscarriage of justice.

This right is a vital safeguard against torture and during trial the onus is on the prosecution to prove the charges leveled against the defendant and the Right against Self- Incrimination' is a vital protection to ensure that the prosecution discharges the said onus.⁷

In **Re Sheik Muhammad Hussain**,⁸ it was held by the Madras High Court that when police acquires fingerprints for the course of investigation and which is later used in the trial procedure did not amount to testimonial compulsion under Article 20(3) and this is admissible as evidence.

In **Selvi and others vs. State of Karnataka**⁹ it was held that involuntary administration of BEAP and Polygraph test cannot be held together with **testimonial compulsion** because the test subject is not required to give verbal answers, thereby falling outside the protective scope of Article 20(3). And even it was further made clear that verbal revelations made during a Narcoanalysis do not attract the bar of Article 20(3) because the inculpatory or exculpatory nature of these revelations is not known at the time of conducting the test.

⁷ <https://www.legalserviceindia.com/legal/article-2463-fingerprints-a-forensic-tool-for-criminal-investigation.html> last seen on 29/08/2024.

⁸ AIR 1957 Mad 47

⁹ MANU/SC/0325/2010

In **State of Kerala vs. Sankaran Nair**¹⁰, the Kerala High Court considered the privilege against self incrimination and obtaining of handwritings which are obtained by non voluntary act of the person concerned. The court concluded that the guarantee against self incrimination is never violated.

Even in **Gulzhar Khan v. State**¹¹, **Delhi Administration v. Pali Ram**¹² and **Kumaran Nair v. Bhargavi**¹³, the court mentioned that the direction given by court to give finger impressions or specimen handwritings is not against the right under Article 20(3).

There are various conflicting decisions made about the right given in Article 20(3) in case **State of Bombay vs. Kathikalu Oughad**¹⁴ there are certain issues which are dealt. They are related to:

1. Whether obtaining of handwriting from an accused of crime by police for comparison is covered under Article 20(3);
2. Direction which is given by a court to an accused who is present in the court to give his specimen of handwriting and signature for comparison under Section. 73 of Indian Evidence Act violated Article 20(3);
3. Whether obtaining palms and finger impressions of an accused by an investigating officer in presence of magistrate violated Article 20(3).

The Court, by majority, held that the Constitution makers intended to protect an accused person from self-incrimination and they have never intended to put some hurdles in any efficient or effective investigations which may lead justice to criminals. And Section 73 of Indian evidence Act and Section 5 and 6 of Identification of Prisoners Act also permits taking of thumb impressions and handwritings and these documents provided by them are not personal testimony and does not come under the preview Article 20(3). Even before the commencement of Constitution obtaining of finger impressions were in existence. Fingerprinting can of course be said to be an encroachment on liberty of person. Moreover, when the person is called upon by any court or authority for giving his fingerprints or specimen of handwritings he is not giving anything related to personal testimony. This personal testimony depends upon volition. An accused person can make any statement or even he may refuse to make any statement but

¹⁰ AIR 1960 Ker 392, 1960 CriLJ 1603

¹¹ A.I.R. 1962 Pat. 255

¹² A.I.R. 1979 S.C. 14

¹³ 1988 Cri. L. J.1000

¹⁴ A.I.R. 1960 S.C. 1808

he cannot deny giving his prints and specimen of handwriting.

The evidences which are collected by the forensic investigators establish the involvement or presence of the person in a definite place or even the traces of a particular substance. When the person concerned is ready to give his signature and the specimen of handwritings without raising any objections then the protection under Article 20(3) of the Indian Constitution is not hindered and then these can be taken into consideration; and even the direction given to an accused to give signature, thumb impressions, footprints, fingerprints to be a witness against himself is not hit by Article 20(3).

In brief, it can be seen that the giving of impressions or writings or signature by an accused person, though it may amount to furnishing of evidence, is not included under the term accused be a witness. These things are neither oral nor documentary evidences but belong to the third category of material evidences, which is beyond the limit of testimony.

IMPORTANT CASE-LAWS

*Munna Kumar Upadhyaya vs. State of A.P.*¹⁵

The Hon'ble Supreme Court held that the accused alleged to have killed entire family of deceased and stolen valuables kept in almirah. **Fingerprint** taken from almirah found matching with that of the accused. Evidence of witnesses and that of recovery of valuable from accused supporting evidence of fingerprint experts. Hence, mere failure of I.O. to state in his chief examination about taking of fingerprints of accused, does not call for rejection of fingerprints evidence.

*Musheer Khan @ Badshah Khan and Anr. v. State of Madhya Pradesh*¹⁶

In which it is held that the evidence of **fingerprint** expert is not substantive evidence but such evidence can only be used to corroborate some items of substantive evidence on record. It will be noticed that under the Indian Evidence Act, the word admissibility¹⁵ has very rarely been used. The emphasis is on relevant facts. In a way relevancy and admissibility have been virtually equated under the Indian Evidence Act. But one thing is clear that evidence of fingerprint expert is not substantive evidence. Such evidence can only be used to corroborate

¹⁵ 2012 Cr.L.J. 3068 (SC)

¹⁶ AIR 2010 SC 762

some items of substantive evidence, which are otherwise on record.

***Mohmad V/s. State of U.P.*¹⁷**

It is held that Science of identifying **thumb impression** is an exact science and does not admit of any mistakes or doubt. Where an expert has given no reasons in support of his opinion nor he shown that he has possessed special skill, knowledge and experience in the science of identification of finger prints, the court did not consider it safe to rely upon such opinion, even if it was admissible. But if expert has given reasons of opinion in court at the time of evidence and if those reasons are not challenged in cross-examination then such opinion is admissible.

***Hari Om @ Hero Vs. State of Uttar Pradesh*¹⁸**

While dismissing the **fingerprint evidence**, Hon'ble the Supreme Court held that the method applied for lifting latent prints from the items found in the deceased's house was not specified in the fingerprint report. Further, the procedure adopted for taking photographs of the latent prints which were sent for examination to the Director, Fingerprint Bureau, Lucknow was not recorded and whether the procedure was a trusted one. After referring to the procedure in the Karnataka Police Manual, the Court also noted that the record does not show if the items from which the latent prints were lifted were available for analysis by the Fingerprint Bureau. Finally, the Hon'ble Supreme Court questioned the training, and experience of the Constable in question who had lifted the latent prints in question. Therefore, the Court concluded that the report of the Fingerprint Bureau was unreliable. Even if the fingerprint evidence was admitted, there was absence of substantive evidence to link the Appellants to the crime. In light of this, the Supreme Court acquitted the three Appellants.

In **Ammini v. State of Kerala**¹⁹ the fingerprints were found on 2 glasses in the deceased home. The expert compared and tallied those fingerprints with that of the accused. But the Trial Court didn't believed this as important piece of evidence on the point that they are not clear and it was in doubt that whether the photographs were of the original prints. The High Court criticized the Trial Court for this view and Supreme Court relied on establishing the guilt of the accused on the fingerprints evidence.

¹⁷ AIR 1976 SC.69

¹⁸ 2021 SCC OnLine SC 2

¹⁹ AIR 1995 Ker 252

In **Balakrishna Das Agarwal v. Radha Devi**²⁰ the Court mentioned that the forensic scientist is essentially a witness of the Court; neither a witness on behalf of the prosecution nor on behalf of the defense; and mentioning that an expert is a person who by his experience, knowledge and training expresses his opinion.

Bhaluka Behra v. State²¹ case mentions that the weight and importance given to an opinion by an expert is a different thing. A fingerprint is in reality an unforgeable signature. So the evidence of the fingerprint expert is also given considerable weight.

Even in **Pathumma v. Veerasha**²² case, it was held by Kerala High Court that no two persons can have the same fingerprints. Even finger impressions of an individual differs from it, no two fingers give the same impressions. And if no differences are found we can draw a conclusion that they are made by the same person.

In **James v. State of Kerala**²³, some finger impressions and foot impressions were obtained from scene of crime and the pictures of the same were taken up. But these photographs were blurred and bit dirty. But the Kerala High Court mentioned that even if the fingerprints are blurred and dirty it depends upon the court to decide that whether they are reliable source of evidence or not.

In **State v. Karugope**²⁴, it was mentioned by Patna High Court that opinion of fingerprint expert is accepted and is regarded as sufficient piece of evidence for the conviction of the accused.

Conclusion

The science of fingerprinting is century old discovery. One of the basic importances of fingerprints is that it helps in establishing identity of a person with minimum time and efforts; and then enabling speedy investigation. The fingerprint evidence has been referred to as reliable piece of evidence. They are also permanent and do not undergo any change. It is necessary for the courts to form an opinion only after discussion or after concerning with

²⁰ AIR 1989 All 133

²¹ AIR 1957 Ori 172, 1957 CriLJ 902

²² 1988(1) K.L.T. 798.

²³ 1994 (1) K.L.J.871.

²⁴ A.I.R. 1954 Pat. 131

an expert. While admitting fingerprints the court should be careful enough to study the reasons which are given by the expert. These opinions made by experts help the court in drawing the final conclusion regarding the facts. These opinion guide the courts and to decide the issues; ultimately the court has to use his own legal mind in relation to the issues involved. Over the year's fingerprints has played a crucial role in identifying the accused and awarding them with punishments.

