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CASE STUDY OF SUPREME COURTS JUDGMENTS FROM THE YEARS 2020-2024 RELATED TO RELAIBILTY ON FORENSIC EVIDENCES

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Abstract

This research paper critically examines the reliability of forensic evidence in the Indian judicial context through a detailed study of Supreme Court judgments delivered between 2020 and 2024. With rapid advancements in forensic science, courts are increasingly confronted with complex scientific evidence, raising pivotal questions about its admissibility, probative value, and reliability. Through a doctrinal and analytical approach, this study reviews landmark cases where forensic evidence—including DNA profiling, digital forensics, ballistics, and forensic accounting—played a decisive role in judicial reasoning and outcomes. The paper assesses how the Supreme Court has grappled with challenges such as methodological flaws, expert credibility, and the interplay between scientific rigor and legal standards of proof. Further, it identifies recurring judicial concerns regarding the interpretation of forensic reports, the weight accorded to expert testimony, and the safeguards necessary to prevent miscarriages of justice. The findings reveal evolving judicial attitudes toward scientific evidence, highlighting an increasing emphasis on judicial scrutiny, expert quality, and procedural safeguards. The study concludes with recommendations aimed at strengthening the reliability and judicial handling of forensic evidence to ensure fairness and accuracy in criminal adjudication.

Keywords: *Forensic Evidence; Reliability; Supreme Court of India; DNA Profiling; Digital Forensics; Expert Testimony; Judicial Scrutiny; Evidence Law.*

1. RELAILTY ON OSSIFICATION TEST

INTRODUCTION

Forensic evidence has emerged as a crucial component in the administration of criminal justice, particularly in complex cases where traditional forms of evidence may be insufficient or unavailable. In India, the Supreme Court has played a pivotal role in shaping the legal standards concerning the admissibility, reliability, and weight of forensic evidence. This chapter explores

how the apex court has assessed forensic inputs in various landmark judgments, identifying both their strengths and inherent limitations. It also examines the Court's insistence on corroborating forensic findings with other evidentiary forms to avoid miscarriages of justice. By analysing judicial interpretations, this chapter sheds light on the evolving yet cautious approach adopted by the Supreme Court in balancing scientific evidence with fundamental legal safeguards.

1. Ram Vijay Singh (S) v. State of Uttar Pradesh 2021¹

Facts of the Case

On 20 July 1982, a fatal assault occurred In Uttar Pradesh, resulting in the death of an individual. The appellant, Ram Vijay Singh, along with co-accused Shiv Vijay Singh, was implicated in the crime. Ram Vijay Singh was alleged to have attacked the deceased with a lathi (a wooden Stick), while Shiv Vijay Singh used an axe. The trial court convicted both under Section 302 read with Section 34 of the IPC. Decades later, during the appellate process, Ram Vijay Singh claimed Juvenility at the time of the offense, asserting he was under 18 years old on the date of the incident.

Legal Issues

1. **Juvenility Claim:** Whether Ram Vijay Singh was a juvenile (under 18 years) on 20 July 1982, the date of the offense.
2. **Reliability of Evidence:** Whether the evidence presented, including medical reports and eyewitness testimonies, substantiated the conviction.

Forensic Evidence Utilized

Age Determination:

- **Medical Examination:** A medical board in 2020 estimated Ram Vijay Singh's age to be between 40-55years. Given the incident occurred 38years prior, this estimation suggested he was between 2-17 years old at the time of the offense.
- **Arms License Application:** An application submitted by the appellant in December 1981 for an arms license listed his date of birth as 30December 1961, indicating he was over 20 years old during the incident.
- **Previous Bail Order:** In 1982, the High Court granted bail based on a radiologist's report estimating his age.

¹ AIRONLINE 2021 SC 118

Medical Evidence

Post-mortem Report: Conducted by Dr. Shyam Mohan Krishna, the report detailed multiple injuries on the deceased, including contusions and lacerations on the head, face, and body incised wounds on the cheek and wrist, abrasions and contusions indicative of attacks with both blunt and sharp weapons.

- ***Weapon Analysis:*** The nature of injuries suggested the use of a lathi (blunt weapon) and an axe (sharp Weapon), correlating with the weapons attributed to the appellant and co-accused, respectively.

Court Observations

- ***Juvenility Assessment:*** The court noted that under Section 94 of the Juvenile Justice Act, in the absence of valid birth certificates or school records, age determination relies on medical tests like ossification however, ossification tests conducted decades after the incident are unreliable for precise age determination. The arms license application, a contemporaneous document, was deemed more credible, indicating the appellant was over 20 years old at the time of the offense.
- ***Evaluation of Evidence:*** The court emphasized that the quality of evidence holds more weight than quantity. Eyewitness testimonies and the post-mortem report consistently pointed to the appellant's involvement. The use of a lathi, while common in rural areas, was specifically identified as the weapon used by the appellant in the assault.

Conclusion

The Supreme Court concluded that the appellant was not a juvenile at the time of the offense, based on credible documentary evidence. The conviction under Section 302 read with Section 34 IPC was supported by substantial and reliable evidence. The appeal lacked merit and was accordingly dismissed.

2. Rishipal Singh Solanki v. State of Uttar Pradesh 2021²

Case Facts

On 5 May 2020, around 4:00 PM, an altercation occurred in Baghpat district, Uttar Pradesh, where Nishant Solanki alias Nishu and others allegedly attacked Rishipal Singh Solanki and his family. The assault resulted in the death of Rishipal's father, Bhopal Singh, on the same day, and his uncle, Kaluram, succumbed to injuries on 9 May 2020. The police filed a charge

² 2021 SCC OnLine SC 1079

sheet against Nishant and co-accused under Sections 147, 148,149, 323, 307. 302, and 34 of the Indian Penal Code (IPC) on 22 July2020.

Legal Issues

1. **Determination of Juvenility:** Whether Nishant was a juvenile (under 18 Years) at the time of the offense, thereby entitling him to protections under the Juvenile Justice (Care and Protection of Children) Act, 2015
2. **Validity of Age Documents:** Whether The documents presented (school Records and matriculation certificate) were credible and sufficient to establish Nishant's age conclusively.
3. **Necessity of Medical Examination:** Whether an ossification test or other medical age determination methods were required in the absence or doubt of reliable documentary evidence.

Forensic Evidence Utilized

- **Matriculation Certificate:** Issued by The U.P. State Board of Secondary Education, indicating Nishant's date of birth as 25 September 2004.
- **School Records:** Transfer certificates and admission forms from Sarvoday Public Junior High School and Sardar Vallabh Bhai Patel Higher Secondary School corroborated the date of birth.
- **Administrative Confirmation:** A letter Dated 22 July 2020 from the Administrative Officer, Regional Office Intermediate Education Council, Meerut, confirmed the date of birth as per official records.
- **Disputed Signatures:** The appellant Highlighted that Nishant's signatures on admission forms for Class 1 and Class 8 appeared identical, questioning the authenticity of the documents, especially considering the improbability of a four years old signing documents.

Court Observations

- **Juvenile Justice Board:** Accepted the matriculation certificate as valid proof of age, determining Nishant to be a Juvenile at the time of the offense.
- **District and Sessions Court:** Upheld the JJ Board's decision, emphasizing That under Section 94 of the JJ Act, 2015, the matriculation certificate is a primary document for

age determination, and in the absence of contradictory evidence, no further inquiry was necessary.

- **High Court:** Dismissed the criminal Revision, agreeing with the lower Courts that the documentary evidence was sufficient and credible for determining juvenility.
- **Supreme Court:** Noted that even if the admission forms authenticity was questionable, the matriculation certificate and official confirmation from the education board were adequate to establish Nishant's age. The Court emphasized that in the absence of compelling contradictory evidence, the benefit of the doubt should favour the accused in matters of juvenility.

Conclusion

The Supreme Court affirmed the decisions of the lower courts, recognizing Nishant Solanki as a juvenile at the time of the offense. The Court held that the matriculation certificate, corroborated by official records, was sufficient for age determination under Section 94 of the JJ Act, 2015. Consequently, Nishant was entitled to protections under the Juvenile Justice system, and the appeal by Rishipal Singh Solanki was dismissed.

Cases Referred

Jyoti Prakash Rai v. State of Bihar (2008) 15 SCC 223

Mukarrab v. State of U.P. (2017) 2 SCC 210

Ramdeo Chauhan v. State of Assam (2001) 5 SCC 714

1.2. RELIABILITY OF DNA TEST

1. Manoj vs State of Madhya Pradesh 2022³

Facts of the Case

On 19 June 2011, Megha Deshpande, Ashlesha Deshpande, and Rohini Phadke were found murdered in their residence in Indore. The prosecution alleged that the appellants committed the murders during a robbery. Following the incident, Neha Verma was arrested, leading to the apprehension of Manoj and Rahul. Upon their arrest, stolen jewellery, a knife, and a pistol were recovered. Notably, Rahul had sustained a gunshot wound to his foot, for which he had filed a false FIR claiming an attack by unknown assailants.

³ (2022) 6 SCC 401

Issues Before the Court

1. **Reliability of Circumstantial Evidence:** Whether the prosecution's case, based entirely on circumstantial evidence, met the legal standards for conviction?
2. **Validity of Forensic Evidence:** Whether the admissibility and reliability of forensic evidence, include fingerprints, DNA analysis, and ballistic reports?
3. **Procedural Lapses:** Whether procedural irregularities, such as delays in sending evidence for forensic analysis and non-compliance with statutory provisions, affected the integrity of the prosecution's case?

Forensic Evidence Utilized

- **Fingerprint Analysis:** Fingerprints Lifted from the crime scene matched those of the appellants. However, the defence challenged the methodology Citing non-compliance with the Identification of Prisoners Act, 1920, and potential confirmation bias.
- **DNA Evidence:** Bloodstains on the Clothes and shoes of the accused matched the DNA profiles of the deceased.
- **Ballistic Reports:** The bullet extracted From Rahul's foot matched the firearm recovered from his possession, which was also linked to bullets found at the crime scene.

Court Observations

The Supreme Court emphasized the need for a complete chain of circumstantial evidence to establish guilt beyond reasonable doubt. It noted several concerns:

- **Fingerprint Evidence:** The court Acknowledged procedural lapses in collecting and analysing fingerprint evidence, including the absence of elimination prints and potential contamination of the crime scene.
- **Shoepoint Analysis:** The court found the shoeprint evidence to be weak, as the prints were incomplete and unclear, and the analysis lacked specificity.
- **Recovery of Stolen Items:** While stolen items were recovered from the accused, the court questioned the reliability of these recoveries due to inconsistencies in the prosecution's narrative and procedural lapses.

Conclusion

The Supreme Court concluded that the prosecution failed to establish a complete and unbroken chain of circumstantial evidence necessary for upholding the convictions. It highlighted that

the evidence presented did not conclusively exclude all hypotheses except that of the appellant's guilt. Consequently, the court set aside the convictions and sentences, leading to the acquittal of Manoj, Rahul @ Govind, and Neha Verma.

2. Prakash Nishad @ Kewat Zinak Nishad v. State of Maharashtra⁴

Facts of the Case

On 12 June 2010, the body of a six-year-old girl was discovered in a drain near her residence in Bhayander, Maharashtra. The initial First Information Report (FIR) did not name any suspect. The appellant, residing in the same chawl' (a type of housing), was arrested on 13 June 2010 based on undisclosed inputs. The prosecution alleged that the appellant sexually assaulted and murdered the child, subsequently disposing of her body to destroy evidence.

Issues Before Court

1. **Language of Disclosure Statement:** Whether recording the appellant's disclosure statement in Marathi a language he did not understand without explaining its contents caused prejudice to his defence?
2. **Reliance on DNA Evidence:** Whether DNA evidence alone is sufficient to establish guilt beyond reasonable doubt?
3. **Circumstantial Evidence:** Whether the circumstances presented by the prosecution conclusively pointed to the appellant's guilt, excluding all other possibility?

Forensic Evidence Utilized

- **DNA Analysis:** Semen matching the appellant's DNA was reportedly found on the victim's undergarments and vaginal swabs. The victim's blood was allegedly found on the appellant's vest.
- **Sample Collection:** Samples from the victim were collected on 12 June 2010. The appellant's samples were collected on 14 June 2010 and again on 20 July 2010.
- **Chain of Custody Concerns:** The prosecution failed to maintain a clear chain of custody for the DNA samples, raising questions about their integrity.
- **Medical Examination Lapses:** The appellant's medical examination was not conducted in accordance with Section 53A of the Code of Criminal Procedure (Cr.P.C.), which mandates specific procedures for collecting evidence in sexual assault cases.

⁴ 2023 SCC OnLine SC 1038

Court Observations

- **Language Barrier:** The appellant's disclosure Statements were recorded in Marathi, a language he did not understand, and were not explained to him, violating his rights and casting doubt on the voluntariness of the statements.
- **Unreliable DNA Evidence:** The court noted the absence of a maintained chain of custody for the DNA samples, making the evidence unreliable. The DNA evidence, lacking corroboration, could not be the sole basis for conviction.
- **Inconsistent Witness Testimonies:** There were contradictions among prosecution witnesses regarding the recovery of incriminating articles, undermining the Prosecution's case.
- **Flawed Investigation:** The investigation suffered from significant lapses, including improper documentation and procedural violations, leading to a broken chain of circumstantial evidence.

Conclusion

The Supreme Court emphasized that in cases relying on circumstantial evidence, the chain of circumstances must be complete and point unerringly to the guilt of the accused. Given the procedural lapses, unreliable forensic evidence, and inconsistent witness testimonies, the court held that the prosecution failed to establish the appellant's guilt beyond reasonable doubt. Consequently, the court set aside the convictions and sentences imposed by the lower courts and ordered the immediate release of the appellant, unless required in connection with any other case. The court reiterated that for a conviction based solely on circumstantial evidence, the circumstances must be fully established and must exclude every hypothesis except that of the guilt of the accused. Forensic evidence must be collected, preserved, and presented following strict protocols to be final outcome to make it reliable.

3. Veerendra vs State of Madhya Pradesh⁵

Facts of the Case

On the evening of 19 September 2014, A minor girl went missing in Dabra, Madhya Pradesh. Her body was discovered later that Night, bearing signs of sexual assault and strangulation. The appellant, Veerendra, a relative of the victim, was arrested based on circumstantial evidence. The trial court convicted him, and the High Court upheld the conviction and death sentence.

⁵ 2022 SC 480

Legal Issues

1. **Reliability of Circumstantial Evidence:** Whether the chain of Circumstantial evidence was sufficient to establish guilt beyond reasonable doubt?
2. **Compliance with Section 53A CrPC:** Whether the failure to conduct DNA profiling violated legal provisions?
3. **Credibility of Witnesses:** Whether testimonies from related witnesses could be deemed reliable?
4. **Appropriateness of Death Penalty:** Whether the death sentence was justified given the nature of evidence?

Forensic Evidence Utilized

- **Post-Mortem Findings:** Multiple ante-mortem injuries including severe vaginal and Perineal tears. Cause of death determined as asphyxia due to throttling.
- **FSL Report:** Presence of blood and semen in the vaginal swab of the deceased. Clothes recovered from the appellant's house had human blood and semen stains. No DNA profiling was conducted to match the samples.

Court Observations

- **On Circumstantial Evidence:** The court found the chain of evidence complete and pointing unequivocally to the appellant's guilt. The 'last seen' theory was applied, with witnesses testifying that the appellant was last seen with the victim.
- **On Witness Credibility:** Testimonies from related witnesses were deemed credible, as no motive for false implication was evident. The court emphasized that relationship alone does not discredit a witness.
- **On Forensic Lapses:** While acknowledging the failure to conduct DNA profiling, the court held that this lapse did not undermine the overall evidence. The court stressed that procedural lapses should not derail the course of justice.
- **On Sentencing:** The court noted that while the crime was heinous, the death penalty should be reserved for the 'rarest of rare' cases. Considering the nature of evidence, the death sentence was commuted to life imprisonment without remission for 30 years.

Conclusion

The Supreme Court upheld the conviction of Veerendra under sections 302 and 376(2)(i) of the IPC and Section 6 of the POCSO Act. The death sentence was commuted to life

imprisonment without the Possibility of remission for 30 years. The court emphasized the importance of a complete chain of circumstantial evidence and the need to avoid procedural lapses in investigations.

Cases Referred

Krishan Kumar Malik v. State of Haryana (2011) 7 SCC 130

Rajendra Prahladrao Wasnik v. State of Maharashtra (2019) 12 SCC 460

Pattu Rajan v. State of T.N. (2019) 4 SCC 771

1.3 RELIABILITY ON FINGERPRINTS

1. Hari Om Alias Hero v. State of Uttar Pradesh. 2021⁶

Facts of the Case

On the Night of October 27-28, 2008, in Firozabad, Uttar Pradesh, a brutal dacoity occurred at the residence of Fauzi Rajpal Singh four family members-Smt. Nirdosh Devi (wife), Ashish (son) Poonam (daughter), and another child were found murdered. The youngest Child, Ujjwal (PW5), survived the Attack. Six individuals, including Hari Om @ Hero, were charged with dacoity and murder.

Issues Before the Court

1. **Reliability of Child Witness:** Whether The testimony of PW5 Ujjwal, approximately five years old at the time of the incident, was credible and sufficient for conviction?
2. **Fingerprint Evidence:** Whether the fingerprint evidence presented was collected and analysed following proper procedures to establish the presence of the accused at the crime?
3. **Corroborative Evidence:** Whether There was adequate corroborative evidence to support the prosecution's case against Hari Om?

Forensic Evidence Used

- **Fingerprint Analysis:** Fingerprints were lifted from various items at the crime scene, including glasses and utensils. These were compared with the fingerprints of the accused.
- **Recovery of Weapon:** A knife allegedly used in the crime was recovered based on information provided by Hari Om.

⁶ AIRONLINE 2021 SC 3

Court Observations

- **Child Witness Testimony:** The Court noted inconsistencies in Ujjwal's statements and a lack of corroboration from other witnesses. Ujjwal's identification of the accused occurred for the first time in court, three years after the incident, without any prior test identification parade. The Court emphasized the need for caution when relying on the testimony of a child witness especially in the absence of corroborative evidence.
- **Fingerprint Evidence:** The procedure for collecting and preserving fingerprint evidence was found to be flawed. There was no clear documentation of the methods used to lift and analyse the fingerprints. The court highlighted that fingerprint evidence alone, without proper procedural adherence and corroborative evidence, is insufficient for conviction.
- **Recovery of Weapon:** The recovery of the knife lacked proper documentation, such as a memorandum under Section 27 of the Evidence Act. The court deemed this evidence as weak and not substantial enough to support a conviction.
- **Lack of Corroborative Evidence:** The court observed that other witnesses did not support the prosecution's narrative. There was an absence of direct evidence linking Hari Om to the crime.

Conclusion

The Supreme Court concluded that the prosecution failed to establish the guilt of Hari Om beyond a reasonable doubt. The unreliability of the child witness's testimony, improper handling of forensic evidence, and lack of corroborative evidence led the court to acquit Hari Om of all charges.

Case Referred

Musheer Khan v. State of M.P. (2010) 2 SCC 748

1.4 RELIABILITY ON SUPERIMPOSITION TECHNIQUE

1. S. Kaleeswaran vs State⁷

Facts of the Case

The case revolves around the disappearance and alleged murder of a taxi driver named John Thomas on 18 July 2007. The prosecution claimed that the accused conspired to commit dacoity

⁷ (2022) 17 SCC 699

and murder, leading to the death of John Thomas. The skeletal remains of the deceased were discovered approximately five months later, in a highly decomposed state. Identification of the remains was attempted through a skull superimposition test. The trial court convicted the accused based on circumstantial evidence, which was upheld by the High Court. The accused appealed to the Supreme Court, challenging the convictions.

Legal Issues

1. **Reliability of Circumstantial Evidence:** Whether the prosecution established a complete and unbroken chain of circumstances pointing conclusively to the guilt of the accused?
2. **Validity of Forensic identification:** Whether the skull superimposition technique, without corroborative evidence like DNA analysis, was sufficient for identifying the deceased?
3. **Admissibility of Extra-Judicial Confession:** Whether the alleged extra-judicial confession was admissible and reliable without expert verification?
4. **Establishment of Motive:** Whether the prosecution successfully established a motive for the accused to commit the crime?

Forensic Evidence

- **Skull Superimposition Test:** Used to identify the skeletal remains; however, the Supreme Court noted that this technique is not infallible and, without supporting evidence like DNA or post-mortem reports, is insufficient for conclusive identification.
- **Absence of DNA Analysis:** No DNA testing was conducted to confirm the identity of the remains.
- **No Post-Mortem Report:** Due to the decomposed state of the body, a Post-mortem examination was not feasible, leaving a gap in forensic evidence.

Court Observations

- **Circumstantial Evidence:** The Court emphasized that for a conviction based on circumstantial evidence, the chain of events must be complete and point unerringly to the guilt of the accused. In this case, the chain was incomplete and did not exclude other hypotheses.

- **Witness Testimonies:** The "last seen together" theory was based on witness statements recorded six months after the incident, which the court found unreliable due to the delay and lack of corroboration.
- **Extra-Judicial Confession:** The alleged confession lacked corroboration and was not supported by expert evidence, rendering it inadmissible.
- **Motive:** The prosecution failed to establish a clear motive for the crime, which is crucial in cases relying on circumstantial evidence.

Conclusion

The Supreme Court found that the prosecution failed to establish the guilt of the accused beyond reasonable doubt. The reliance on unreliable forensic methods, delayed and uncorroborated witness testimonies, and the absence of a proven motive led the court to conclude that the convictions were not sustainable. The court set aside the judgments of the trial court and the High Court, acquitting all the accused.

Case Referred

Pattu Rajan v. State of T.N. (2019) 4 SCC 771

1.5 RELIABILITY ON SEROLOGY REPORT

1. Thakore Umedsing Nathusing v. State of Gujarat⁸

Facts of the Case

On March 1, 1990, Vithalbai Kachrabhai Barot reported that his Son, Bharatbhai, a jeep driver, was found murdered in a field near Dangiya village, Gujarat. The jeep (registration No. GJ-08-114) was missing. On March 2, 1990, PSI J.N. Chaudhary observed a speeding jeep in Ahmedabad. Upon attempting to stop it, four individuals fled; one, Laxmansing (A1), was apprehended. A1 allegedly confessed to the murder and named four co-accused: A2, A3, A4, and A5. Subsequent arrests led to recoveries.

Legal Issues

1. **Admissibility of Confession:** Whether A1's confession to the police, implicating himself and co-accused, is admissible under the Indian Evidence Act?
2. **Reliability of Circumstantial Evidence:** Whether the circumstantial evidence presented forms a complete chain linking the accused to the crime?

⁸ 2024 INSC 198

3. **Reversal of Acquittal:** Whether the High Court was justified in reversing the trial court's acquittal without establishing that the original Judgment was perverse or unreasonable?

Forensic Evidence

- **Jeep Recovery:** The jeep was recovered with blood stains; however, ownership by the deceased was not conclusively established.
- **Weapon and Clothing:** Knives and blood-stained clothes were recovered based on the accused's statements.
- **Forensic Analysis:** The recovered Items were not sent for forensic examination to establish a link to the deceased.
- **Footwear and Tyre Impressions:** The Design of A1's slippers and the jeep's tyres allegedly matched impressions at the crime scene, but this was not substantiated with forensic evidence.

Court Observations

- **Trial Court:** Acquitted all accused of murder and dacoity charges due to insufficient evidence but convicted A1, A2, A3, and A5 under Section 392 IPC (robbery), sentencing them to 10 years' rigorous imprisonment.
- **High Court:** Reversed the trial court's acquittal, convicting the accused under Sections 302 and 396 IPC, and sentenced them to life imprisonment.
- **Supreme Court:** Highlighted that A1's confession to the police is inadmissible under Sections 25 and 26 of the Indian Evidence Act. Noted the absence of forensic evidence linking the recovered items to the crime emphasized that the High Court failed to demonstrate that the trial court's acquittal was perverse or unreasonable reiterated the principles from *Sarda v. State of Maharashtra* regarding the necessity of a complete chain of circumstantial evidence to establish guilt.

Conclusion

The Supreme Court set aside the High Court's judgment, reinstating the trial Court's acquittal. It held that the prosecution failed to Provide admissible and reliable evidence to conclusively link the accused to the murder. The accused were acquitted of all charges and directed to be released unless required in other cases.

2. Raja Naykar vs. State of Chhattisgarh⁹

Facts of the Case

The prosecution alleged that Raja Naykar murdered Shiva by Inflicting 24 stab wounds, wrapped the body in a blanket, and, with the assistance of co-accused, transported and attempted to burn the body behind Baba Balak Nath temple near Shastri Nagar ground. On 22 October 2009 Pramod Kumar (PW-3) discovered the Half-burnt body, leading to the Registration of a 'merg' (unnatural Death) intimation an electricity bill found on the deceased led investigators to identify the body as Shiva. The Trial Court convicted Raja Naykar under Sections 302 (murder), 201 (causing disappearance of evidence), and 120B (criminal conspiracy) of the Indian Penal Code, sentencing him to life imprisonment. Co-accused were convicted under Sections 201 and 120B. The High Court Upheld Raja Naykar's conviction but acquitted the co accused.

Legal Issues

1. **Sufficiency of Circumstantial Evidence:** Whether the conviction could be sustained solely on circumstantial evidence?
2. **Admissibility of Recoveries:** Whether the recoveries made at the appellant's instance were admissible and conclusive?
3. **Identification of the Deceased:** Whether the prosecution conclusively established the identification of the deceased?

Forensic Evidence

- **Dagger:** Recovered at the appellant's Instance from an open area accessible to the public. The Forensic Science Laboratory (FSL) report indicated human blood on the dagger, but the blood group did not match that of the deceased.
- **Clothing:** Blood-stained clothes were recovered from the appellant's Sister-in-law's house four days after raised doubts about their evidentiary value.
- **Rickshaw:** Allegedly used to transport the body, recovered from a public place. The prosecution did not establish exclusive possession or control by the appellant.
- **Serological Report:** Not available, further weakening the forensic linkage between the appellant and the crime.

⁹ 2024 INSC 56

Court Observations

- **Circumstantial Evidence:** The Court emphasized that for a conviction Based on circumstantial evidence, the chain of circumstances must be complete and point unerringly to the guilt of the accused. In this case, the chain was incomplete.
- **Recovery of Dagger:** The dagger's recovery from a public place and the lack of a blood match with the deceased rendered it insufficient to establish guilt.
- **Recovery of Clothes:** The Court found it implausible the perpetrator would store incriminating evidence at a relative's house for several days.
- **Section 313 CrPC Statement:** The appellant's failure to explain certain aspects under section 313 of the Criminal Procedure Code could not be used to fill gaps in the prosecution's Case.
- **Identification of Deceased:** The inability of the deceased's father and brother to identify the body cast doubt on the prosecution's claim regarding the victim's identity.

Conclusion

The Supreme Court concluded that the Prosecution failed to prove the appellant's guilt beyond a reasonable Doubt. The reliance on weak circumstantial evidence and inconclusive forensic findings led the court to overturn the conviction and acquit Raja Naykar.

3. Allarakha Habib Memon Etc. vs State of Gujarat ¹⁰

Facts of the Case

On the evening of May 4, 2011, Mohammad Sohail was fatally attacked with sharp weapons near Bhalej Road Overbridge. His cousin, Mohammad Arif Memon (PW-11), claimed to be present during the assault and later lodged an FIR. The prosecution alleged that the attack was a premeditated act resulting from a prior altercation over water supply issues in the colony.

Legal Issues

1. **Validity of FIR:** Whether the FIR Lodged by PW-11 was valid, considering earlier information provided by police constable Demistal kumar (PW-12)?
2. **Credibility of Eyewitnesses:** Whether The testimonies of PW-11 and Mustaq (PW-13) were reliable?

¹⁰ 2024 INSC 590

3. **Admissibility of Forensic Evidence:** Whether the forensic evidence, including weapon recovery and blood analysis, was admissible and credible?
4. **Procedural Lapses:** Whether Procedural lapses in the investigation affected the integrity of the prosecution's case?

Forensic Evidence Used

- **Weapons Recovered:** A knife and a Gupti were allegedly recovered from the crime scene.
- **Blood Analysis:** Forensic Science Laboratory (FSL) reports indicated that the blood on the weapons matched the victim's blood group.
- **Chain of Custody Issues:** The prosecution failed to establish a secure chain of custody for the weapons. The seizure panchnama lacked signatures from key witnesses, including PW-12, who initially recovered the weapons.

Court Observations

- **Delayed FIR:** The Court noted that PW-12, who first reported the incident and recovered the weapons, did not have his statement recorded promptly. Instead, the FIR was based on PW-11's statement recorded later, raising questions about its validity.
- **Eyewitness Credibility:** The Court found inconsistencies in PW-11's testimony, including the absence of bloodstains on his clothes despite claiming to assist the bleeding victim. PW-13's account was also deemed unreliable due to contradictions with other Testimonies.
- **Forensic Evidence Admissibility:** The Court held that the forensic evidence was compromised due to procedural lapses, including an unsecured chain of custody and lack of proper documentation.
- **Procedural Lapses:** The Court criticized the investigation for failing to record initial statements promptly, not conducting a test identification parade, and not maintaining proper records, such as the daily diary entries.

Conclusion

The Supreme Court concluded that the prosecution failed to prove the guilt of the accused beyond a reasonable doubt due to delayed and questionable FIR registration unreliable eyewitness testimonies compromised forensic evidence and significant procedural lapses during the investigation. Consequently, the court acquitted all three accused, emphasizing the

importance of procedural diligence and the principle that the benefit of doubt the principle that the benefit of doubt must favour the accused.

Case Referred

Mustkeem alias Mustkeem Alias Sirajudeen v. State of Rajasthan (2011)

1.6 RELIABILITY ON BALLISTIC REPORTS

1. Ram Singh vs. State of U.P.¹¹

Facts of the Case

The incident occurred on August 20 1982, in a village in Uttar Pradesh. The deceased, Dulli, was allegedly shot dead while seated on a cot outside her house. The prosecution claimed that Ram Singh fired the fatal shot using a country-made Pistol. The motive was purportedly rooted in a longstanding enmity related to local panchayat elections eyewitnesses, including PW-1 (the Deceased's son), testified to witnessing the shooting. Initially, both Ram Singh and a co-accused, Lala Ram, were convicted by the trial court. However, Lala Ram was acquitted by the High Court on appeal, while Ram Singh's conviction was upheld.

Legal Issues

1. **Credibility of Eyewitness Testimonies:** Were the eyewitness accounts reliable and consistent?
2. **Forensic Evidence:** Did the absence of ballistic analysis and non-recovery of the weapon compromise the prosecution's case?
3. **Principle of Parity:** Was it justifiable to convict Ram Singh when the co-accused was acquitted on the same evidence?
4. **Benefit of Doubt:** Should Ram Singh have been granted the benefit of doubt due to evidentiary inconsistencies?

Forensic Evidence Used

- **Weapon Recovery:** The alleged murder weapon, a country-made pistol, was never recovered.
- **Ballistic Analysis:** Although a 12-bore cartridge and pellets were recovered, they were not sent for ballistic examination.

¹¹ (2024) 2 S.C.R.668

- **Post-Mortem Findings:** The autopsy Revealed 55 small pellets in the deceased's body, but there was no effort to link these to the recovered cartridge.
- **Chemical Examination:** Blood-stained clothes and soil samples were collected but not analysed, as the chemical examiner's report was not submitted.
- These omissions weakened the prosecution's ability to establish a direct link between the accused and the crime.

Court Observations

- **Eyewitness Testimony:** The Court found inconsistencies in the eyewitness accounts, noting that the testimonies did not inspire full confidence.
- **Forensic Shortcomings:** The absence of ballistic analysis and the non-recovery of the weapon were significant lapses. The Court emphasized that in firearm-related cases, ballistic expert opinions are crucial.
- **Principle of Parity:** The Court highlighted that convicting one accused while acquitting another, based on identical evidence, violates the principle of parity
- **Benefit of Doubt:** Given the evidentiary gaps and inconsistencies, the court concluded that the prosecution failed to prove guilt beyond a reasonable doubt.

Conclusion

The Supreme Court allowed the appeal, setting aside the conviction and sentence of Ram Singh. The court ordered his immediate release, provided he was not required in any other case. Proper collection and analysis of forensic evidence are vital in criminal, reliable and consistent eyewitness accounts are crucial for upholding convictions. Upholding the principle of parity ensures fairness in judicial proceedings courts must grant the benefit of doubt when prosecution fails to establish guilt.

2. Pritinder Singh @ Lovely vs State of Punjab ¹²

Facts of Case

On September 1, 1998, a dispute Occurred between Ravinder Singh and Manjit Kaur, during which Ravinder allegedly assaulted Manjit. Manjit Reportedly threatened Ravinder, stating he would not survive. On September 3, 1998, Manjit Kaur and Pritinder Singh took Ravinder in a car under the pretext of purchasing shoes. Manjit carried her licensed 12-bore double-barrel

¹² (2023) 10 S.C.R.1033

gun. On September 4, 1998, Ravinder's body was discovered near a canal bridge, bearing two gunshot wounds the car and the firearm were found at the scene. An FIR was registered, and both accused were arrested the same day.

Legal Issues

1. Whether the prosecution proved the guilt of the accused beyond a reasonable doubt based on circumstantial evidence?
2. Whether the extra-judicial confession and the "last seen" theory were credible and sufficient for conviction?
3. Whether the absence of ballistic expert testimony undermined the prosecution's case?

Forensic Evidence Used

- **Post-Mortem:** The post-mortem indicated death due to shock, haemorrhage, and injury to vital organs from firearm wounds.
- **Ballistics:** Two empty cartridges were recovered from the firearm found in the car. The prosecution failed to produce ballistic expert evidence to link the cartridges to the firearm and the Injuries sustained by the deceased.

Court Observations

- **Extra-Judicial Confession:** The alleged confession to Mal Singh (PW-2), an ex-sarpanch residing 100 Km away, was deemed unreliable due to delayed reporting to authorities omissions and contradictions in testimony and lack of corroboration.
- **Last Seen Theory:** Testimonies from Tapinder Singh (PW-3) and Jagtar Singh (PW-9) were found to be Inconsistent and lacking credibility notably PW-3 had strained relations with Manjit Kaur and PW-9 had a criminal background and delayed reporting the incident.
- **Forensic Lapses:** The absence of ballistic expert testimony was a significant flaw, especially in a case relying solely on circumstantial evidence.

Conclusion

The Supreme Court concluded that the prosecution failed to establish the guilt of the accused beyond a reasonable doubt. The reliance on weak circumstantial evidence, uncorroborated extra-judicial confession, and absence of crucial forensic analysis led to the acquittal of both accused.

Cases Referred

Sukhwant Singh v. State of Punjab (1995) 3 SCC 367

Gulab v. State of Uttar Pradesh (2021) INSC 852

State of Punjab v. Jugraj Singh (2002) SCC 1083

1.7. RELIABILITY ON HANDWRITING EXPERT

1. Santosh@bhure vs. State (N.C.T) Delhi¹³

Facts of the Case

On September 12, 2000, the body of Hari Shankar was discovered in an apartment rented by Santosh @ Bhure in Delhi. The autopsy confirmed that the death was homicidal, caused by multiple injuries from a sharp edged weapon a suicide note was found in the deceased's trouser pocket. Both Santosh and his co-accused Neeraj were untraceable until they surrendered on September 23, 2000. Subsequent police investigations led to the recovery of blood-stained clothes and a knife. allegedly based on clothes and a knife, allegedly based on the accused's disclosures.

Legal Issues

1. **Admissibility of Forensic Evidence:** Was the forensic evidence, including handwriting analysis and blood tests, admissible and reliable?
2. **Validity of Disclosure Statements:** Were the accused's disclosure Statements and subsequent recoveries legally valid and credible?
3. **Inference from Circumstantial Evidence:** Could the presence of the deceased in Santosh's apartment and the recovery of items be sufficient to Infer guilt?
4. **Weight of Expert Testimony:** Should the handwriting expert's opinion alone be enough to establish authorship of the suicide note?

Forensic Evidence

- **Autopsy Report:** Confirmed homicidal death due to multiple sharp-edged weapon injuries.
- **Handwriting Analysis:** An FSL report Suggested the suicide note matched Neeraj's handwriting. However, the defence contested its admissibility, arguing the specimens were obtained without proper authorization

¹³ 2023 INSC 443

- **Blood Analysis:** Human blood matching the deceased's blood group was found on clothes recovered at Santosh's instance.
- **Weapon Analysis:** A knife recovered at Neeraj's instance was opined by a doctor to be capable of causing the injuries found on the deceased

Court Observations

- **On Handwriting Evidence:** The Court Noted that while the FSL report was admissible, it couldn't solely establish authorship of the suicide note without corroborative evidence.
- **On Disclosure Statements:** The Court found the disclosure statements leading to the recovery of the knife and clothes lacked independent corroboration and were thus unreliable.
- **On Circumstantial Evidence:** The mere Presence of the deceased in Santosh's apartment wasn't sufficient to establish guilt, especially given the lack of exclusive possession and control over the premises on expert testimony: The court emphasized that expert opinions should be corroborated by other evidence and not be the sole basis for conviction.

Conclusion

The Supreme Court concluded that the prosecution failed to establish a complete chain of circumstances pointing unerringly to the guilt of the accused. The reliance on uncorroborated forensic evidence and questionable disclosure statements rendered the conviction unsafe. Consequently, the court acquitted both Santosh @ Bhure and Neeraj, overturning the judgments of the lower courts.

Case Referred

Sukhvinder Singh v. State of Punjab (1994) 5 SCC 152

1.8. RELIABILITY ON POLYGRAPH TEST, BRAIN MAPPING, BEOS

7.1 Captain Manjit Singh Viridi vs. Hussain Mohammad Shattaf¹⁴

Facts of the Case

On May 14, 2006, Manmohan Singh Sukhdev Singh Viridi was found murdered in his bedroom

¹⁴ 2023 INSC 56

at his Bungalow in Thombarewadi, Lonavala, an FIR (No. 46/2006) was registered at Lonavala City. The prosecution alleged that while Respondent No. 1, Hussain Mohammed Shattaf, was in Dubai, his wife, Respondent No. 2, Waheeda Hussain Shattaf, developed an intimate relationship with the deceased. Upon discovering this, Respondent No. 1, in connivance with his wife and an associate, Zaanish Khan, conspired to murder the deceased using unknown assailants. Chargesheet filed on December 9, 2009, against respondents Nos. 1 and 2, and Zaanish Khan.

Legal Issues

1. **Discharge Application:** Whether the High Court erred in discharging the accused at the pre-trial stage by selectively referring to evidence?
2. **Scope of Evaluation:** Whether the High Court conducted a “mini-trial” by assessing the sufficiency of evidence, which is beyond its jurisdiction at the discharge stage?
3. **Forensic Evidence:** Whether the High Court failed to consider crucial forensic evidence, including psychological evaluations and polygraph tests?

Forensic Evidence Used

- **Psychological Evaluation:** Conducted on Respondent No. 1 and 4 close Aides, including psychological Profiling, polygraph testing, and Brain Electrical Oscillations Signature Profiling (BEOS).
- **Findings:** The Directorate of Forensic Sciences Laboratory, Maharashtra, opined that Respondent No. 1’s Psychological evaluation indicated involvement in the murder, with antisocial personality traits and a tendency to portray himself in a socially desirable way.
- **Narcoanalysis:** Could not be conducted as Respondent No. 1 refused to give written consent.

Court Observations

- **High Court’s Approach:** The Supreme Court noted that the High Court selectively referred to statements from the investigation, ignoring other significant evidence, including forensic reports.
- **Prima Facie Case:** At the discharge stage, the court must assess whether a prima facie case exists, not the sufficiency of evidence for conviction.

- **Jurisdictional Overreach:** The High Court exceeded its jurisdiction by evaluating the credibility of evidence, which is the domain of the trial court.

Conclusion

The Supreme Court set aside the High Court's order discharging the accused, emphasizing that the High Court had not considered the evidence in its entirety and had overstepped its Jurisdiction. At the stage of Framing charges, the court must consider whether the materials on Record, if believed to be true, constitute the offense alleged.

Case Referred

Selvi & Ors vs. State of Karnataka and Anr 2010(7) SCC 263

1.9. RELIABILITY ON REPORTS OF TOXICOLOGY

1. Buddhadeb Saha vs. State of West Bengal¹⁵

Facts of the Case

Tuli Shah married appellant No.1, Buddhadeb Saha, on 24 February 2011. Post-marriage, Tuli was allegedly subjected to harassment by her husband, in-laws, and brother-in-law for additional dowry, despite initial gifts of cash and gold. On 16 September 2011, Tuli died at her matrimonial home, reportedly by consuming poison. Her uncle and guardian, Uma Shankar Shah, lodged an FIR on 19 September 2011, alleging dowry related harassment leading to her death.

Legal Issues

1. **Cause of Death:** Was Tuli's death due to poisoning, and can it be legally classified as a dowry death under Section 304B IPC?
2. **Forensic Evidence:** Does the absence of poison detection in the viscera report negate the claim of death by poisoning?
3. **Presumption of Dowry Death:** Can The presumption under Section 113B Of the Indian Evidence Act be applied in this case?
4. **Conviction Validity:** Is the conviction under sections 498A and 304B IPC sustainable given the evidence?

¹⁵ 2023 INSC 1084

Forensic Evidence

- **Post-Mortem Findings:** Froth observed from the mouth and nose. Congestion in lungs and stomach and presence of pungent-smelling fluid in the stomach.
- **Viscera Report:** Samples sent to the Forensic Science Laboratory (FSL) after a delay of five months no poison detected in the viscera
- **Expert Testimony:** Medical Officer (PW-10) indicated that delays in sending viscera samples could result in the degradation of poison, making detection difficult.

Court Observations

- **Trial Court:** Acknowledged the absence of poison detection but emphasized the post-mortem findings and circumstantial evidence pointing towards poisoning convicted the appellants under Sections 498A and 304B IPC
- **High Court:** Upheld the Trial Court's decision noting that the death occurred under unnatural circumstances within seven months of marriage applied the presumption under Section 113B of the Indian Evidence Act, given the evidence of harassment for dowry
- **Supreme Court:** Reiterated that the absence of poison in the viscera report is not conclusive proof against poisoning
- Cited Mahabir Mandal v. State of Bihar (1972) and Bhupendra v. State of Madhya Pradesh (2013) to support the stance that circumstantial evidence can suffice in dowry death cases emphasized that the delay in sending viscera samples could lead to the non-detection of poison.

Conclusion

The Supreme Court dismissed the appeal, affirming the convictions under Sections 498A and 304B IPC. Three years of rigorous imprisonment and a fine of ₹5,000 for the offence under Section 498A IPC. Seven years of rigorous imprisonment for the offence under Section 304B IPC the judgment reinforces that in dowry death cases, The absence of direct forensic evidence (like poison detection) does not preclude conviction if circumstantial evidence and statutory presumptions under Section 113B of The Indian Evidence Act are present.

2. Kumar@ Shivakumar vs. State of Karnataka¹⁶

Facts of the Case

• On July 5, 2000, a young woman was found unconscious in her home and was admitted to a nursing home, she passed away on July 6, 2000, at 7:30 PM. Her father, Raju (PW-1), filed a First Information Report (FIR) on July 7, 2000, alleging that the appellant, Kumar @ Shiva Kumar, had been harassing and threatening his daughter, leading to her suicide. The appellant was charged under section 306 IPC for abetment to suicide.

Legal Issues

1. **Abetment to Suicide:** Whether the Appellant's actions amounted to abetment under Section 306 IPC.
2. **Evidence Evaluation:** Whether the Prosecution provided sufficient and credible evidence to establish them charge beyond reasonable doubt.
3. **Forensic Analysis:** Whether the forensic evidence conclusively established the cause and manner of death.

Forensic Evidence

- **Post-Mortem Findings:** Multiple injection marks on both elbows. A partially healed 5 cm incised Injury on the right wrist.
- **Chemical Analysis:** Viscera samples (stomach, small Intestine, liver, kidney, and blood) Were sent to the Forensic Science Laboratory (FSL), Bangalore. The FSL report dated October 10, 2000, indicated the presence of an Organophosphate pesticide the final opinion by the doctor (PW-13) on January 9, 2001 concluded death due to respiratory failure from organophosphate poisoning.
- **Investigative Lapses:** No syringe, needle, or pesticide container was recovered from the Scene. No evidence on how the deceased acquired the pesticide. Delay in the doctor receiving the FSL report, with no explanation from the investigating officer.

Court Observations

- **Witness Testimonies:** Key prosecution witnesses (PW-1 PW-2, PW-4, PW-12) were close relatives of the deceased their testimonies contained inconsistencies and

¹⁶ (2024) 3 S.R.C. 329

contradictions. No prior complaints or confrontations with the appellant were recorded, despite alleged harassment.

- **Delay in FIR:** The FIR was lodged approximately 36 hours after the death, with no delay in FIR: The FIR was lodged approximately 36 hours after the death, with no satisfactory explanation for the delay.
- **Forensic Evidence:** Absence of critical items (syringe, Needle, pesticide container) at the scene raised doubts about the manner of poisoning lack of evidence on how the deceased obtained the pesticide.
- **Legal Interpretation:** The court emphasized that for a conviction under Section 306 IPC, there must be clear evidence of instigation or intentional aid to commit suicide mere allegations or casual remarks without intent do not constitute abetment.

Conclusion

The Supreme Court concluded that the prosecution failed to establish the essential ingredients of abetment to suicide under Section 306 IPC. The inconsistencies in witness testimonies lack of direct evidence linking the appellant to the suicide, and investigative lapses led the court to set aside the conviction. The appellant was acquitted, and the appeal was allowed.

Case Referred

Amalendu Pal alias Jhantu vs. State of West Bengal (2010) SCC 512

Ude Singh and Others Vs. State of Haryana (2019) SCC 4570

CONCLISION

In conclusion, while the Supreme Court of India has consistently acknowledged the vital role of forensic evidence in the criminal justice system, it has also highlighted several critical loopholes affecting its reliability. These include lapses in evidence collection, improper handling or contamination, lack of standardization in forensic procedures, and the absence of adequate expert training. The Court has emphasized that forensic evidence must not be viewed in isolation but must be corroborated with other forms of evidence such as eyewitness accounts, circumstantial evidence, and documentary proof to ensure just outcomes. Therefore, while forensic science offers significant potential for strengthening the truth finding process, its efficacy hinges on rigorous protocols, accountability, and its harmonious integration with the broader evidentiary framework.