

ITEM NO.12

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 1667-1668/2021

IRFAN @ BHAYU MEVATI

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 98928/2022 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 28-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Parties:

Mr. Siddharth Agarwal, Sr. Adv.
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Mr. Shreya Rastogi, Adv.
Ms. Sakshi Jain, Adv.
Ms. Pratiksha Basarkar, Adv.
Sowjhanya Shankaran, Adv.
Mr. Vishwajeet Bhati, Adv.

Ms. Reetu Sharma, AOR
Mr. Hifzur Rehman Khan, Adv.
Mr. Nihal Ahmad, Adv.
Ms. Neena Shukla, Adv.
Mr. Amit Kumar, Adv.
Mr. Shantanu Shukla, Adv.
Ms. Anu Singla, Adv.
Mr. Tushar Swami, Adv.
Mr. Vasu Chaudhary, Adv.
Mr. Kavi Rajpal, Adv.

Mr. Pashupathi Nath Razdan, AOR
Mr. Prithviraj Singh, Adv.
Mr. Mirza Kayesh Begg, Adv.
Mr. Pulkit Agrawal, Adv.
Mr. Prakhar Srivastav, Adv.
Mr. Astik Gupta, Adv.
Mr. Sneha Bairwa, Adv.
Ms. Ayushi Mittal, Adv.
Mr. Shadaab Anwar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Criminal Appeal Nos.1667-1668/2021 is directed to be listed on 10.08.2022.

IA No. 98928/2022 has been filed on behalf of the accused-appellant seeking following reliefs:-

"A. Direct Ld. 2nd ADJ/special Judge POCSO, Mandsaur, to summon and allow examination in chief, as well as allow cross examination by counsel for the applicant of Dr. Anil Kumar Singh, Scientific Officer, and Assistant Chemical Examiner, Govt. of Madhya Pradesh, FSL Sagar who would be competent to testify to the methodology, analysis and conclusions of the DNA Report.

B. Direct Ld. 2nd ADJ/special Judge POCSO, Mandsaur, to allow such cross examination by counsel for the Applicant, by calling for and with the aid of the complete laboratory documentation in relation to the report dated 11.07.2018 of FSL Sagar, bearing No. DNA/1078, 1987 and 1132/2018 filed in ST 88 of 2018 before the Ld. 2nd ADJ/Special Judge POCSO, Mandsaur, including but not limited to copies of the following documents in the present case.

i. All laboratory documentation including worksheets, bench notes and equipment log sheets relating to the tests conducted and methods used for extraction, quantification, amplification and genotyping for all the articles received.

ii. Details and complete laboratory documentation of tests conducted and results of the tests.

iii. Electropherograms for DNA profiles and electronic raw data (.fsa) obtained from all articles received, allelic ladders and control samples used;

iv. Working procedure manuals including DNA manual and Serology manual used in examination of all exhibits received.

v. Details of kits used in for DNA extraction, quantification, amplification and genotyping in the case along with manuals of such kits; and

vi. Complete documentation of chain of custody of all the Articles sent for examination to FSL Sagar, with details of the packaging seals and sample seals used.

C. Direct the Trial Court to examine the Applicant under Section 313 Cr.P.C. in respect of such additional evidence.

D. Pass such further and other orders as this Hon'ble Court may deem fit and proper, in the interest of justice."

Issue notice on the application, returnable on 10.08.2022.

Learned counsel for the State shall put in response to the application at least three days before the next date of hearing.

Learned counsel shall instruct all the concerned officials to preserve the concerned record till further orders.

The application shall be taken up for hearing alongwith Criminal Appeal Nos.1667-1668/2021.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER