

15.11.2022

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Accused Rakesh @ Rocky and Harpal in person.
Sh. Gajraj Singh, ld. counsel on behalf of accused
persons.
IO not present.

There is an application moved by IO for resending the exhibits to FSL for collecting DNA. Since the exhibits were already used and report has already received that no DNA could be traced during the investigation, a query was sent to Director FSL concerned to provide details if there is any possibility of getting any DNA from the exhibits.

This cartridge was already examined by FSL. Further DNA profile of blood on the gauze and on bullet (lead) recovered from the crime scene was compared and as per opinion vide no. 2017/F-0872/AD(Bio)196 dated 16.07.2018 it was found not matching with the earlier exhibits.

However, no reply has been received from Director FSL.

It is submitted by ld. Defence counsel that since the exhibits were already used for extracting the DNA after applying the chemical, at this stage it would be a futile exercise to send the exhibits again for second opinion because the samples have already been used.

The IO also has failed to bring any substance to

show any possibility of getting fresh DNA samples from the exhibits.

In these circumstances, as the matter is already at advance stage of evidence where all witnesses except IO are examined, I do not find any purpose is going to be served by allowing the application and sending the exhibits for second opinion except delaying the matter. The application is, therefore, dismissed.

List for remaining entire PE on 21.01.2023.

(Vikram)
ASJ-02/Spl. Judge (NDPS),
North West, Rohini Courts,
Delhi/15.11.2022