

IN THE COURT OF PRINCIPAL ASST. SESSIONS JUDGE, N. PARAVUR

Present:- Smt. Wincy Ann Peter Joseph, Prl. Assistant Sessions Judge

Tuesday, the 09th day of September, 2025/ 18th Bhadra, 1947

CrI.M.P.No.1802/2024 in S.C.No.710/2020

Petitioner/Complainant:-

Kerala State, represented by the Inspector of Police, Thrikkara Police Station, Kochi City.

By Adv. Sajiv C. Krishnan, Addl. Public Prosecutor, District Court, Ernakulam

Respondent:-

Arunkumar P.G., aged 25/18, S/o. Gopalakrishnan, Perumala (H), Near Mannarkav Temple, Kangarappady, Thrikkakara North Village

By Advs. Jaison Joseph, Jimmy Joseph & Sajeev A.

This petition filed to grant permission to collect the voice sample of the accused.

This petition having been finally heard on 09.09.2025 and the court on same day passed the following :-

ORDER

This is a petition filed by the Investigating Officer to collect the voice sample of the accused.

2. The averments in the petition are as follows :- The Investigating Officer has filed this petition to collect voice sample of the accused in this case. The further investigation in the above case was going on. The father of the deceased Sreedhi Lakshmi has produced the Laptop, which was used by the victim. During the course of investigation, conversations between the accused and deceased Sreedhi Lakshmi was obtained from the Laptop as MP4 file. Therefore, in order to determine whether the voice corresponds to that of the accused, it is necessary to collect the voice sample of the accused from Chitranjali Studio, Kakkanad and submit it to the Forensic Science Laboratory for examination. Hence, this petition.

3. The learned counsel for the accused / respondent filed objection to this petition by raising the following contentions :- The accused was arrested during the investigation stage and the laptop and mobile phone of the victim was seized by the Investigating Officer. The material objects recovered were returned to the parents of the victim after investigation. During the first stage of investigation and before filing the Final Report, the Police has not seized or not recovered the alleged MP4 file containing conversation between the victim and the accused. The MP4

files in the Laptop was found after the production of the same during the second time. The chance of tampering the laptop and mobile phone cannot be ruled out. If any such activities were occurred, it will cause serious prejudice to the accused. Thus, the petition is to be dismissed.

4. The points that arose for determination are as follows :-

- 1) Whether the petition to collect voice sample of the accused in order to send the same to the FSL to compare the same with the MP4 file received from the Laptop of the victim?
- 2) What is the proper order ?

5. Heard both sides.

6. **Point No. 1** :- Perused the case records. On perusal, it is seen that when the matter was pending before this Court for commencing trial, the father of the deceased victim has filed CrI.M.P. No. 1513/2022 for further investigation of the matter as there were severe flaws in the investigation and the Final Report filed by the Police. After considering the matter, this Court has allowed the petition and thereby, 'the further investigation of the case is ordered for conducting the investigation of the matters specified in the petition'. In CrI.M.P. No. 1513/2022, one of the contention raised by the petitioner therein while seeking permission for

further investigation was that 'the Cellphone, Laptop and other articles were seized by the Police during the first week of March 2018. The Mobile Phone and the Laptop were returned. There was evidence in the Laptop that the deceased was threatened and intimidated by the accused, which was overlooked by the Police. If the Laptop and Cellphone were forwarded for examination, more evidence would be unearthed leading to the death of the deceased'. For the said purpose as well, this Court has ordered further investigation by allowing Crl.M.P. No. 1513/2022 on 04.04.2023. In such circumstances, the contention raised by the accused in the counter filed to this petition will not stand. Since, there were serious flaws in the investigation, further investigation was ordered in this case. The said order was passed after considering ninth ground in the petition seeking further investigation as well. Hence, nothing new was introduced by virtue of this petition filed by the prosecution. The only averment of the prosecution is to collect the voice sample of the accused in order to send the same to Forensic Science Laboratory in order to compare the same with the alleged MP4 files that were found in the Laptop of the victim. No prejudice will cause to the accused if this petition is allowed. On the other hand, if this petition is not allowed, it will prejudiciously

affect the case of the prosecution and the order of further investigation. In such circumstances, I am inclined to grant this petition. Further, it is submitted by the learned Public Prosecutor that Chitranjali Studio, Kakkanad is one of the notified studios as per Section 79A of the Information Technology Act. Hence, this petition is to be allowed.

7. **Point No. 2** :- In the light of findings in Point No. 1, the petition is allowed.

In the result, the petition is allowed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 09th day of September, 2025

Wincy Ann Peter Joseph,
Principal Assistant Sessions Judge.

Appendix:- Nil

Principal Assistant Sessions Judge.

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S.C. No.710/2020
Order Dtd. 09.09.2025