

ORDER BELOW EXH.82 IN SC NO.104/2022

State ..Vs.. Manisha Bendale

(Passed on 11-05-2026)

The present application has been filed by the prosecution seeking exhibition of the DNA Report issued by the Regional Forensic Science Laboratory under the provisions of Section 293 of the Code of Criminal Procedure, 1973 corresponding to Section 329 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. It is the contention of the prosecution that, during the course of investigation, DNA samples of the deceased and his father were collected and forwarded to the Regional Forensic Science Laboratory, Nagpur, for scientific examination and analysis. It is further submitted that the DNA Report was already placed on record by the prosecution on 24.10.2024 vide list (Exh.18). During the course of evidence, the Investigating Officer (PW-13) has specifically deposed before the Court that the Chemical Analysis Reports were received during investigation and were accordingly filed on record. However, though the said DNA Report forms part of the record, it has not yet been formally exhibited, whereas other Chemical Analysis Reports have already been exhibited.

3. The prosecution further submitted that Section 293 of the Code of Criminal Procedure (corresponding to Section 329 of the Bharatiya Nagarik Suraksha Sanhita), expressly provides that reports of certain Government Scientific Experts may be used as evidence during trial without formal proof. It is therefore prayed that the DNA Report be exhibited for the just, effective, and proper adjudication of the present case.

4. The learned defence counsel has strongly opposed the application. It is contended that the prosecution has failed to examine Madhukar Bendale, the father of the deceased, whose blood sample was allegedly obtained for DNA comparison. According to the defence, in absence of examination of the said witness and proof regarding collection of his blood sample, the DNA Report cannot be exhibited in evidence. On such grounds, rejection of the application is sought.

5. I have considered the submissions advanced by both sides and perused the record. It is an undisputed position that the accused is facing prosecution for offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860. The DNA Report sought to be exhibited has been issued by the Regional Forensic Science Laboratory, Nagpur, which is a Government Scientific Laboratory. Section 293 of the Code of Criminal Procedure, 1973, now corresponding to Section 329 of the Bharatiya Nagarik Suraksha Sanhita, 2023, specifically provides that reports of certain Government Scientific Experts may be used as evidence in any inquiry, trial, or other proceeding under the Code. The said provision dispenses with the necessity of formal examination of the expert, unless the Court considers it necessary in the interest of justice. The object underlying the provision is to avoid unnecessary delay in criminal trials in respect of scientific reports prepared by duly authorized Government experts.

6. Further, under Section 45 of the Indian Evidence Act, 1872, corresponding to the relevant provisions of the Bharatiya Sakshya Adhiniyam, 2023, opinions of persons especially skilled in

science are relevant facts. DNA analysis being a scientific and expert examination squarely falls within the ambit of expert evidence contemplated under law.

7. The objection raised by the defence regarding non-examination of the father of the deceased pertains primarily to the evidentiary value and probative weight of the DNA Report rather than to its admissibility. The admissibility of a document and its evidentiary appreciation are distinct concepts in law. Merely because certain aspects relating to collection of samples or examination of witnesses are disputed, the same does not render the scientific report itself inadmissible.

8. At this stage, the Court is only concerned with the question, whether the report can legally be exhibited. Since the report has been issued by a competent Government Scientific Expert and forms part of the investigation papers already filed on record, the same is admissible under Section 293 Cr.P.C./Section 329 BNSS. It is further pertinent to note that the defence is not left remediless. The statutory scheme itself preserves the right of the accused to challenge the same in accordance with law, if so desired. Thus, no prejudice whatsoever would be caused to the accused merely by exhibiting the said report, especially when the document has already been supplied and forms part of the record.

9. As contemplated under Section 293 of the Code of Criminal Procedure, reports of Government Scientific Experts may be read in evidence without formal proof by examining the author thereof. Considering the facts and circumstances of the present matter, no immediate necessity appears for summoning the

concerned expert. However, there is always liberty to examine the expert, if so advised.

10. The prosecution has specifically pointed out that while other Chemical Analysis Reports have already been exhibited, the present DNA Report has inadvertently remained unexhibited. Since it is ultimately the burden of the prosecution to establish the contents and evidentiary value of the DNA Report in accordance with law during trial, formal exhibition of the document becomes necessary for complete and proper adjudication of the matter. Moreover, as the DNA Report is already available on record and copies thereof have been supplied, no prejudice shall be caused to the accused by allowing the present application. In view of the aforesaid discussion, this Court is of the considered opinion that the application deserves to be allowed. Hence, the following order:

= ORDER =

- 1] Application (Exh.82) stands allowed.
- 2] The C.A./DNA Reports filed alongwith List (Exh.18) be exhibited, in accordance with law.

Wardha.
Date : 11-05-2026

[H. B. Gaikwad]
Sessions Judge, Wardha.