

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Miscellaneous Application No. 198/2024

In

D.B. Civil Writ Petition (PIL) No. 3341/2014

Suo Motu

-----Petitioner

Versus

State Of Rajasthan & Others

-----Respondents

For Petitioner(s)	:	Mr. Pankaj Gupta, Adv.(Amicus Curiae) Mr. Sudhir Jain, Adv. (Amicus Curiae) with Mr. Saurabh Jain, Adv.
For Respondent(s)	:	Ms. Aditi Vats, Adv. for Mr. Bharat Vyas, AAG Dr. Rajesh Kumar, Deputy Director, SFSL

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

25/10/2024

Heard.

In compliance of the direction passed by this Court earlier on 04.09.2024, a detailed affidavit of the Additional Chief Secretary Home Department, Rajasthan has been submitted which has been perused by us.

The contents of the affidavit show that for scaling up the infrastructure towards DNA testing of samples received, steps have been taken for financial sanction, creation of posts, infrastructure and also additional labs including mobile forensic units. The affidavit also discloses receipt of cases in all the

forensic labs between the period from 01.01.2024 to 31.08.2024. Disposal of the cases are also been indicated.

The contents of the aforesaid affidavit as also the affidavit which was filed earlier show that in all POCSO matters, care is being taken to ensure that the samples are tested within ten days.

Learned counsel for the State would submit that with the improvement in the infrastructure and manpower, the average time limit of testing samples in POCSO cases is around seven days.

During the course of arguments, learned Amicus Curiae drew attention of this Court to various aspects of the action plan and the steps which have been taken by the respondents and submitted that the sanctions made, infrastructure plan and the scheme for recruitment requires close and constant monitoring by this Court at least till the time there is satisfactory development towards scaling up of all the infrastructure and manpower mechanism.

Dr. Rajesh Kumar, Deputy Director, State Forensic Science Laboratory who is present in the Court also assisted the Court and placed various informations regarding testing of samples as also present state of affairs.

In view of the statement made that the action plan is in the process of execution and is likely to yield results soon in the form of recruitment, procurement and development of the infrastructure, we are inclined to post this case for further orders.

Developments which have taken place towards improvement of the infrastructure and manpower planing after filing of the affidavit shall be included by way of a supplementary affidavit.

In view of the statement which has been made by learned counsel for the respondents and the material which has been placed before this Court, we direct the respondents to ensure that DNA sampling in all POCSO cases be completed within the outer limit of ten days and not beyond that. At the level of the Directorate, appropriate supervisory mechanism be developed to ensure compliance of this order.

List this case on 06.12.2024.

(ASHUTOSH KUMAR),J

(MANINDRA MOHAN SHRIVASTAVA),CJ