

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1506 OF 2010

ABHIMAN SINGH ... APPELLANT(S)

VS.

CENTRAL BUREAU OF INVESTIGATION ... RESPONDENT(S)

WITH

CRIMINAL APPEAL No.957 OF 2007

O R D E R

Criminal Appeal No.1506 of 2010

We are of the view, having gone through the judgment of this Court in Criminal Appeal No.2003 of 2012 and batch in the case of *Ritesh Sinha v. State of Uttar Pradesh & Anr.* decided on 2nd August, 2019, that the proper course of action to be taken in the present is elucidated in the last paragraph 25 of the said judgment which reads as follows:

"25. In the light of the above discussions, we unhesitatingly take the view that until explicit provisions are engrafted in the Code of Criminal Procedure by Parliament, a Judicial Magistrate must be conceded the power to order a person to give a sample of his voice for the purpose of investigation of a crime. Such power has to be conferred on a Magistrate by a process of judicial interpretation and in exercise of jurisdiction vested in this Court under Article 142 of the Constitution of India...."

We, thus, dismiss the appeal.

Criminal Appeal No.957 of 2007

In view of the order passed in Criminal Appeal No.1506 of 2010, this appeal is allowed. Impugned order is set aside and the order passed by the Magistrate is restored.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M.JOSEPH]

New Delhi;
September 4, 2019.

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). 1506/2010

ABHIMAN SINGH

Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

WITH Cr1.A. No. 957/2007

Date : 04-09-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Mr. Sushil Karanjkar, Adv.
Mr. K. N. Rai, AOR

Mr. K.K.Venugopal, AG
Mr. Saurabh Mishra, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. K.K.Venugopal, AG
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Ms. Chinmayee Chandra, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Sibbo Sankar Mishra, AOR
Mr. Niranjana Sahu, Adv.
Mr. Uma Kant Mishra, Adv.

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

Heard.

Criminal Appeal No.1506/2010 is dismissed and
Criminal Appeal No.957/2007 is allowed in terms of the
signed order.

Pending application, if any, shall also stand
disposed of.

(ANITA MALHOTRA)
COURT MASTER(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file.)