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Role of Forensic Science in Criminal Investigation

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ABSTRACT

In the last few decades, the forensic science has emerged as a remarkable step in the progression of investigation processes for the criminal justice system. These technologies plays a vital role in combating the with offenders and it establishes a pivotal link between the judiciary and the police. These results are having the highest rate of accuracy then other evidence and thus they become the deciding factor in the case laws.

Forensic science has large contributions in supporting the justice processes and in other serious offences. Its sole purpose is to provide support to the criminal investigations and in recognitions of not only accused but also of innocents. Important data has been collected from the criminal sites which plays deciding role in the trails. In our country, the evidence plays an deciding role in the trails of the courts. Thus, forensic science plays a pivotal role In India, the statements and witnesses are used as a source of evidences and those who are proved guilty are then prosecuted. Hence, forensic science services might be the most significant crime combating device for the enforcement of law.

I. INTRODUCTION

In the criminal justice system, various institutions and processes are involved to maintain the social order of peace by delivering the justice to all. It can also be redefined as the system which deals with those people who is of ill mentality and those who are harmful for the society at all. On the basic note, there are four basic parts of this system namely courts, prisons, police and punishment. These four parts are responsible for maintaining the social order in the region by delivering justice to the victims by punishing the offender through prosecution of the criminals. An ideal criminal justice system delivers a peaceful society. Accordingly, the peacefulness of a society depends on its criminal justice system as how it delivers its justices to all.²

If we talk about the roles of its parts, the important role is of the Judges and the Hon'ble courts as they are obliged to deliver justice to all without discrimination of any type. This type of

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²Committee on Reforms of Criminal Justice System (Ministry of Home Affairs, Government of India, New Delhi 2003)

process is complex since facts of every case are different and charges have to be proved. The institutions and various agencies help the courts in deciding its matters. Every investigation has to be supported the evidences. Justice can only be served when foundations of the evidences becomes strong.

The extensive use of the technology in the last few decades has become a deciding factor in various different cases. Both police and courts use this forensic technology to recreate the scene and identifying the various links of the criminals. The effectiveness of the technological evidence has great efficiency and accuracy in deciding the cases.

II. SCIENTIFIC INVESTIGATION

The criminals uses coercion to influence the eye witness of the cases and thus it becomes difficult to get witnesses. People become afraid of providing evidences to the investigation agencies.³Most of the times, criminals gives life threats to the witnesses also. Thus, the general public gets afraid of criminals and makes distance from the courts. Some crimes are thus takes place in an manner in which no direct evidence can be given to the investigating agencies. In these type of conditions, the importance of these forensic investigations raises exponentially. Various methods are used nowadays like examining the persons medically and physically, by taking fingerprints of the persons, through footprints and by many other ways. A well qualified person has to be enrolled to make effective use of these forensic instruments. The authenticity of the forensic evidences depends upon the conditions on which it is based⁴ and the efficiency of making arguments.⁵

Although in the act of evidence it is nowhere mentioned the requirement of authentic evidence but the courts prefer them than preferring other in general as per their policy.⁶The courts will look into the matter in deep where the expert cannot have in its mind the facts of the case or the condition when they cannot form a conclusion.⁷ The evidence will become less effective if two different experts have different opinions over it.⁸In that condition the opinion of expert should not be prevailed.⁹ The court will look upon the matter in the deep before taking it in the consideration.¹⁰ These type of evidences can also not been taken into consideration when they are in the gross violation of the provisions of the Evidence Act, 1872 or the provisions of the

³Krishna DeoGaur, *Criminal Law & Criminology*,491 (Deep and Deep Publications, New Delhi 2002)

⁴Saqlain Ahmed v. Emperor, AIR 1936, All. 165

⁵Emperor v. Sahadeo, 15 CrLJ 220, 230

⁶Saqlain Ahmed v. Emperor, AIR 1936 All.165

⁷Alock v. Royal Exchange Assurance Co. (1849) 116 ER 1275

⁸Mohd. Zia Ullah Khan v. Rafiq, AIR 1939 Oudh 213; Sadiqa Begum v. Ata Ullah, 1933 Lah. 885

⁹Sucha Singh v. State, AIR 1951 Simla 28

¹⁰Att. Gen. v. Nottingham Corporation (1904) 1 Ch. 673, 679

Constitution of India. Some controversies are there in the present over some provisions like the one in which fingerprints should be excluded from the category for being violation of constitution. The courts have also upheld the validity of Section 27 of the Indian Evidence Act, 1872.¹¹

In the case of *State of Maharashtra v. Natwarlal Damodardas Soni*¹², the Hon'ble court has taken into consideration the matter of illegally occupied evidences. It was held that although the evidences have been occupied illegally but they are equally maintainable in the court and it doesn't affect its validity in the court of law. In the sensitive matter, the court will carefully look upon the validity of evidence at large and nothing more. This view has also been supported by the apex court in other decisions.¹³ The Hon'ble court gives a good response towards the evidence provided through the use of modern technologies. The courts have considered the superimposed photographs¹⁴, oral evidences etc. as the evidence.

III. ROLE OF FORENSIC SCIENCE IN CRIMINAL INVESTIGATION

Technology is playing an important role in today's era. Forensic Science also plays vital role in the criminal justice system. It identifies the physical and scientific evidences in an criminal investigation. This technology finds the person who has done the crime and also it accurately measures what type of crime has been done. It also gives findings of when it is done. It can also reveal the place where crime has been taken place. This type of investigation also reveals the method of crime I.e. how it is done. To conclude, it can be said the forensic science has completely changed the type of evidences and their accuracy. It reveals the clear connection between the criminal and the crime.

The process of the investigation is like, collecting the evidence from the place where crime has been done or collecting the evidences from the person with whom crime has been done and then the outcomes of the investigations has been presented in the court of law. Although, facts of every case remains different and it creates new difficulties before the courts.¹⁵ This type of technology plays a pivotal role in identifying the persons personal gadgets, identity, fingerprints, blood, hair, weapons and other things. It mainly gets the identification through the objects used by the criminal in the crimes. It also plays an pivotal role in identifying the

¹¹State of U.P. v. Deoman Upadhyaya, AIR 1960 SC 1125; State of Bombay v. Kanthi Kalu, AIR 1961 SC 1808

¹²AIR 1980 SC 593

¹³Bai Radha v. State of Gujarat, AIR 1970 SC 1936; R.M. Malkani v. State of Maharashtra, AIR 1973 SC 157

¹⁴Ram Lochan Ahir v. State of W.B., AIR 1963 SC 1074

¹⁵Forensic Sciences, National Institute of Justice, Office of Justice Programs

<http://www.nij.gov/topics/forensics/pages/welcome.aspx>(last accessed on August 15, 2016)

innocence of the accused because of its accurate results. Thus, forensic Science not only helps in identifying the criminal but it also plays an important role in proving the innocence the persons. It is because of this technology only, the investigation has become easy because of the accuracy of results and they plays vital role in criminal justice system.¹⁶

IV. SOME LANDMARK JUDGEMENTS

Forensic Science plays an pivotal role in the criminal justice system specifically related to evidence on certain important point, proving innocence of accused and in the identification of suspect. The pivotal role of the investigating officer is to collect pivotal evidence from the crime site. Such officer has immunity from the damage if any caused to the evidence in collecting or packaging. Evidence has to be collected with precautions and any attempt of damaging it has to stop at any cost.¹⁷In some cases, on the basis of evidences like DNA the accused has been awarded with punishment up to 10 years for specific type of murder and sometimes the punishment has been increased to death penalty also¹⁸.

In the murder case of *Nitish Katara*, the identification of the victim becomes a great problem since only a palm of victim was left. In this case, the identification of the victim has been done through DNA test of the victim and his parents and then the accused has been rewarded with the punishment by the Hon'ble High court of Delhi.¹⁹

In the case of *Sushil Mandal v. The State*, the petitioner challenged the proving of DNA. Relationship of friendship has been their between the boy and the girl. After this, the body of a boy has been obtained from the lake after he was missing from a month²⁰.The petitioner doesn't identifies the belongings of the boy. The father of the boy accuses the girl's father and demanded investigation by the central government authorities. The DNA report of the body gets matched with the parents of the boy. The petitioner declined the results of the test and thus test has been done again from which same result was obtained again. The Hon'ble court by considering the DNA report and its accuracy closed the matter.²¹

In the case of *Anmolsingh Swarnsingh Jabbal v. The State of Maharastra*, the Hon'ble court awarded life term rigorous punishment to a boy for doing murder of his lady colleague in one

¹⁶Jyotirmoy Adhikary, *DNA Technology in Administration of Justice* (LexisNexis, Butterworths, 2007)

¹⁷2014(5) SCC 509

¹⁸(2014) 4 SCC 69

¹⁹Vishal Yadav v. State of Uttar Pradesh (2014), SCC Online Del. 1373

²⁰2014 SCC Online Mad 7362 : (2014) 2 MWN (Cri) : 580 (Mad) (1B)

²¹ Inspector of Police v. John David, (2011) 5 SCC 509

sided love.²²

In other case, where brutality overlaps its limits and the humanity was ignored where an rape of a four-year girl child was done who lives in slums of Delhi. The investigation team of the Delhi police with the help of accurate results from the DNA report identifies the criminal for its sexual acts. The court after considering many of the findings and reports approved the findings based upon DNA report and other findings and thus punished the accused accordingly as per the law.²³

In the other case of same facts, the court finds the technology of Forensic Science as the key evidences in the way to uphold the conviction of the accused for murder, kidnapping and rape of a small girl.²⁴

V. CONCLUDING REMARKS

In our country, the use of technologies such as forensic science has gained a lot of importance in the trails and findings. From the finds of the government formed for research on reforms in criminal justice has held that these type of modern technologies can give a great edge to the justice system in findings and can become deciding factor in the justice system. The required amendments are done as per the time required for the better use of forensic investigations. But some loopholes are always there in the system that has to be addressed accordingly. The justice system relays mostly on these scientific investigations as their results are accurate and their authenticity cannot be questioned normally. The forensic science has given an edge to the justice system to work more efficiently.

It has to be ensured that that we should make good use of forensic investigations and such technologies in the future to get better results and opens a path for such technologies to enter into the system for better functioning of the criminal justice system. Also, we have to ensure that these technologies are used effectively to get better results.

²² 2014 SCC Online Bom 397: 2014 (2) Bom CR (Cri) 361

²³State of NCT Delhi v. Sujeet Kumar, 2014 SCC Online Del 1952

²⁴The Inspector of Police v. Manoharan, 2015 Cri. LJ 1215