

# FORENSIC

## **I. Description:**

Collecting forensic evidence in serious crimes is now mandatory to enhance investigation quality and boost conviction rates. This nationwide implementation empowers states by improving infrastructure. Moreover, the increased collection of samples and granting expert exemptions further strengthens forensic procedures.

## **II. Legal Provision:**

### Section 176(3)

This section mandates the collection of forensic evidence at the crime scene by a 'forensics expert' for offenses punishable by imprisonment of seven years or more.

The provision prescribes a five-year period for implementation.

### Section 349:

Section 349 expands Magistrates' power to order forensic samples, including fingerprints and voice samples, from any person upon a written order.

BNSS Section 349 and CrPC Sec 311A both empower first-class Magistrates to order sample collection for investigations, with BNSS offering a broader scope, including finger impressions and voice samples. Notably, BNSS allows sample collection without prior arrest, providing more flexibility in comparison to CrPC 311A.

### Section 329 :

Section 329 allows the submission of a report by a government scientific expert without requiring oral testimony in court, expanding categories of exempted experts.

While both BNSS and CrPC include Government scientific experts, BNSS extends its applicability to "any other scientific expert" specified or certified by the State or Central Government. In contrast, CrPC limits it to "any other Government scientific expert" specified only by the Central Government. The BNSS provision allows a broader range of scientific experts to be involved in legal proceedings.

### Section 330 :

In BNSS, when any document is filed, its particulars must be included in a list. The prosecution or accused, along with their advocates, are required to admit or deny the genuineness of each

document within thirty days of supply. The Court, at its discretion, may relax the time limit, and no expert can be called unless the expert's report is disputed.

Both BNSS Section 330 and CrPC Section 294 outline a similar process for handling documents filed in court, including the admission or denial of genuineness. However, BNSS 2023 introduces the element of a time limit for admission or denial, along with the provision regarding expert reports.

### **III. Remarks:**

BNSS Section 330 simplifies the document admission process by introducing time limits and restricting expert testimonies unless reports are disputed. Similar to CrPC Section 294, BNSS offers added flexibility through court discretion, enhancing procedural efficiency.