



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 2360/2023

Feliram Son of Shri Gangaram Meena, R/o Ralawas, Police Station Ramgarh Pachwara, District Dausa, Rajasthan.

----Petitioner

Versus

State of Rajasthan, through Public Prosecutor.

----Respondent

For Petitioner(s)	:	Mr.Gaurav Sharma
For Respondent(s)	:	Mr.Rajesh Choudhary, GA-cum-AAG assisted by Mr.J.S. Rathore, Add.GA. Mr.Gaurav Gupta, Asst.GA. Mr.Vinod Kumar Sharma & Mr.Anirudh Singh Mr.Vinod Kumar, Addl. SP, Lalsot

JUSTICE ANOOP KUMAR DHAND

Order

21/05/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 23.09.2022, passed by the Judicial Magistrate, Lalsot, District Dausa, by which the Final Report 'Negative' in F.I.R. No.21/2015, registered at the Police Station Ramgarh Pachwara, District Dausa, has been accepted and the protest petition submitted by the complainant-petitioner has been rejected.

2. Learned counsel for the petitioner submits that on account of murder of the complainant's brother, the aforesaid F.I.R. was registered at the concerned Police Station, but without conducting a fair and impartial investigation, Final Report 'Negative' was submitted by the Investigating Officer before the concerned Court.



Aggrieved by the aforesaid Final Report 'Negative', the complainant-petitioner submitted a protest petition, which has been rejected by the Court of Judicial Magistrate, Lalsot, District Dausa and the Final Report 'Negative' submitted by the Investigating Officer has been accepted by the concerned Court by passing the impugned order dated 23.09.2022.

3. Counsel submits that during the course of investigation, an application was submitted by the Investigating Officer for conducting the narcoanalysis test of the petitioner and the petitioner has given his consent for the same. In spite of the above, the concerned Authority has refused to conduct narcoanalysis test upon the petitioner on the ground that during the test, it was observed that the petitioner did not have fluency in Hindi language. Counsel submits that this cannot be a reason for denial of conducting narcoanalysis test. Counsel further submits that the petitioner is still ready for narcoanalysis test, therefore, a direction is sought to be issued to the Investigating Officer to conduct a fair, proper and impartial investigation by collecting additional evidence in the instant case. Under these circumstances, a prayer has been made to quash the order impugned and for passing necessary orders/ directions.

4. *Per contra*, learned GA-cum-AAG opposes the prayer and submits that in case a direction is issued to the Investigating Officer for conducting further investigation, the same would be carried in a fair and impartial way which also includes conduction of the narcoanalysis test of the petitioner.

5. The Investigating Officer Mr.Vinod Kumar, Additional Superintendent of Police, Lalsot submits that in case any order of





further investigation is made by this Court, a fresh Investigating Officer would be appointed for conducting further investigation.

6. Heard and considered the submissions made at the Bar and perused the material available on record.

7. Perusal of the record indicates that at the time of submitting the Final Report 'Negative', the Investigating Officer submitted that in spite of making all the efforts, the unknown accused persons were found to be untraceable. It has also been stated in the Final Report 'Negative' that though the petitioner-Feliram has consented for his narcoanalysis test, but the same could not be conducted because he was not found to be fluent in Hindi language.

8. It is quite shocking and surprising to entertain the aforesaid submission and reasoning behind refusing to conduct narcoanalysis test of the petitioner. If any witness is not acquainted with a particular language or is not fluent in Hindi language, this alone cannot be a ground for refusal of conducting narcoanalysis test of such person/suspect/witness. Under such eventuality, the Authorities concerned were expected to depute a person, who is acquainted with the mother tongue of such suspect/witness/victim, in whose presence, the concerned narcoanalysis test can be conducted.

9. The narcoanalysis test must strictly adhere to the guidelines set by the Hon'ble Apex Court in the landmark judgment of **Selvi & Ors. Vs. State of Karnataka** reported in **2010(7) SCC 263**, while the specific mandate of having a language expert is not isolated in those exact words.





Such examination must be conducted in the presence of an expert and the procedure must be audio-video format recording.

10. In the matter of **Selvi** (supra), the Hon'ble Apex Court held that the personnel involved in conducting a "narcoanalysis" interview must include a forensic psychologist, an anaesthesiologist, a psychiatrist, a general physician and a language interpreter if needed. It has been held in Para No.48 as under:-

"48. The personnel involved in conducting a "narcoanalysis" interview include a forensic psychologist, an anaesthesiologist, a psychiatrist, a general physician or other medical staff and a language interpreter if needed. Additionally a videographer is required to create video recordings of the test for subsequent scrutiny. In India, this technique has been administered either inside forensic science laboratories or in the operation theatres of recognised hospitals. While a psychiatrist and general physician perform the preliminary function of gauging whether the subject is mentally and physically fit to undergo the test, the anaesthesiologist supervises the intravenous administration of the drug. It is the forensic psychologist who actually conducts the questioning. Since the tests are meant to aid investigation efforts, the forensic psychologist needs to closely cooperate with the investigators in order to frame appropriate questions."

11. This Court finds no justification in the reasons given for submission of the Final Report 'Negative', namely, that more than six years have passed and there are bleak chances of tracing the unknown accused persons. The Investigating Officer cannot be allowed to escape from his liability and duties to conduct the investigation in a proper way and he cannot be allowed to close the investigation in the instant matter only on the count that the





unknown accused persons are not traceable. There are certain cases like that of 'blind murders' wherein the accused persons are unknown and the Investigating Officer is duty bound to trace such accused persons by making all necessary efforts. However, in the instant case, such efforts were not made by the Investigating Officer in a proper way and the matter was closed based on the aforesaid reasons recorded by the Investigating Officer in the Final Report 'Negative'.

12. Considering the overall facts and circumstances of the case, the impugned order passed by the Court below is quashed and set-aside. The matter is remitted to the Investigating Officer for conducting further investigation, including the narcoanalysis test of the complainant-petitioner or other suspects/witnesses, if so required by the Investigating Officer. It is expected from the Additional Superintendent of Police to appoint the Investigating Officer not below the Rank of Circle Inspector and it is also expected from the newly appointed Circle Inspector to make all possible endeavors to complete the investigation expeditiously, as early as possible, and submit the conclusion report of investigation under Section 173 Cr.P.C. before the concerned Court.

13. With the aforesaid observations and direction, the instant petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

Aayush Sharma/28