

Relevancy of Forensic Science in Criminal Justice System in India

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ABSTRACT

Forensic Science is one of the essential components of the criminal justice system in India. It is used to examine and investigate the criminal offences such as a theft, abduction, rape, and homicide, as well as civil cases. In addition, forensic science evaluates if the marketing of food and beverages, the manufacture of medications, the use of pesticides, car emissions compliance, the cleanliness of drinking water, and the monitoring of worldwide secret projects violate laws or rules. The scope of Forensic science is very wide as it includes various branches like forensic anthropology, forensic psychology, forensic chemistry, forensic toxicology, forensic linguistic, computer forensic, forensic odontology, forensic pathology, forensic entomology, DNA Profiling and so on. In this paper author aims to analyse main areas of forensic science with special reference to DNA Profiling, Narco-Analysis, and Polygraph Test and their applicability in criminal justice system. Aim is also to analyse the what is the need behind application of forensic science in criminal investigation. Focus is to examine the legality and constitutionality of forensic technologies with special reference to Narco-Analysis, DNA Profiling and Polygraph Test with the help of referring to the provisions contained under The Constitution of India, Bharatiya Sakshiya Adhiniyam, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023 and mentioning the landmark judgments of the Supreme Court and various High Courts.

INTRODUCTION:

The term "forensic" in the dictionary means "related to the court or law". And in law terms, it's "a science that deals with the principles and practices of different branches of science and clears up dubious issues in court." This is science made up of things that scientists and legal professionals may regard as common ground¹.

Forensic science is the application of natural sciences and physical sciences to the research and practice of just solving social and legal problems. Forensic science has now involved research and practice that applies nature and physical science to mere resolutions of socio-legal matters. Its application by the system sets it apart from other science. In general practice, this term is more strictly applicable to the police and the courts using science as evidence to solve problems in any subsequent trials in the course of investigating crimes.

KEY WORDS: Forensic science, Criminal justice system, criminal investigation, DNA Profiling, Narco-Analysis, Polygraph test.

¹Deepak Ratan and Mohd. H. Zaidi, "Application of Forensic Science in India and World" (Alia Law Agency, Allahabad).

OBJECTIVES:

1. To analyse the need for the application of forensic science in criminal investigation.
2. To explore the main areas of forensic science with special reference to Narco-Analysis, DNA Profiling and Polygraph Test and their applicability in criminal justice system.
3. To examine the legality and constitutionality of using forensic science technologies in India with special reference to Narco-Analysis, DNA Profiling and Polygraph Test.

METHODOLOGY:

The present study was based upon secondary sources like books, websites, publications, cases.

RESULT & DISCUSSION:**1. Need for application of Forensic Science in Criminal justice system:**

In India, neither the investigation of crimes nor the prosecution of the perpetrators meets the requirements. Even in terrible crimes, there are many offenders who cannot be tried, so only some cases ended in innocence, so the number of criminals and the number of crimes gradually increases. The main reason for these repeated acquittals is outdated investigation techniques, full of loopholes. Therefore, for effective research, scientific research methods are very necessary².

During the course of an investigation, forensic scientists collect, preserve, and analyse scientific evidence³. Following is responsible for the need for application of Forensic Science in Criminal justice system:

Social Change: Society is changing dramatically as the times change. From British rule India transformed into a democratic country. An important industrial complex has multiplied. Over time, transportation facilities have also undergone revolutionary changes. Due to large-scale industrialization seeking sufficient employment and better livelihoods, a large number of people have flowed from rural to urban areas. Due to these drastic changes, with the rise of modern forensic science and technology, the earlier techniques for investigating any crime have become ineffective. The police during British control were quite terrifying. People were frequently apprehensive that the authorities may subject suspected criminals to some form of torture, compelling them to confess under duress or causing undue terror in their thoughts⁴.

Technical Knowledge: The technical knowledge and awareness of modern people have been greatly improved. Criminal methods are increasingly modernized. Therefore, there is a great need to develop new science and technology for investigators to combat modern criminals⁵.

Hiding Facilities: Nowadays, fast transportation and overcrowded cities have to a larger extent helped the accused to escape and evade arrest. Criminals can hide in any corners of the city, or they can move thousands of kilometres away within a few hours and no one would know about the background of the person in a new place.

² B.B Nanda and R.K. Tiwari, "Forensic Science in India, A Vision for the Twenty-First Century" (Select Publishers, New Delhi, 2001).

³ https://en.wikipedia.org/wiki/Forensic_science (Last visited on 27 Nov, 2024 at 3:04 pm).

⁴ B.R. Sharma, Forensic Science in Criminal Investigation and Trial (Universal Law Publishing Co., New Delhi, 2011).

⁵ Ibid.

2. Main areas of forensic science with special reference to Narco Analysis, DNA Profiling & Polygraph Test and their applicability in criminal justice system:

Narco-Analysis Test:

Basically, it is assumed that when an individual is given medications that hinders their ability to reason, it is possible for him to tell the truth without affecting his memory & language skills. The underlying notion is that one can deceive oneself with one's imagination, but that when one is under the influence of drugs, one loses self-control & is unable to visualize the facts & tell the truth. It is difficult for him to lie in this position, yet he must tell what he knows. This drug's application in public work or questioning is comparable to classical psychoanalysis. The only difference between the two procedures is the different goals.

In 1936, a new term was added to the field of criminal investigations conducted through forensic science called narcoanalysis test⁶. The word "narcoanalysis" comes from the Greek word narco, which means "anaesthesia" and refer to use of psychotropic medicines, often barbiturates, to induce unconsciousness. Related factors and strong effects emerged, and therapists could use them. It's also known as drug-hypnosis combo, truth serum or hypnosis or anaesthetic. As a result, it is a method of controlling human thinking & communication. According to Webster's dictionary, "Anesthesia analysis refers to psychoanalytic sleep in a state similar to the following, which is achieved through the use of drugs. These drugs are called truth drugs or truth serums."

According to Merriam Webster's Dictionary, the goal of sedation-assisted psychotherapy is to restore depressed memories and feelings associated with the experience, as well as to facilitate the integration of acceptable experiences into the person's personality.

Applicability of narcoanalysis in criminal justice system:

Narcoanalysis, for example, is a deception-detection test (DDT) with significant clinical, scientific, ethical, and legal consequences⁷. Now, the importance of Narco-Analysis test has increased over time. It is very important in criminal investigations. In fact, it has become an integral part of criminal investigations. It is generally believed that the truth can be successfully revealed through narcoanalysis testing. Therefore, the investigating agency carries out the test to reveal the true situation of the accused. There are too many cases of narcoanalysis tests conducted by investigative branches. It's a forensic instrument that's utilised to differentiate premeditated crimes and dissolve conspiracies. In the hands of a skilled group of specialists, it can be an effective strategy for preventing organised crime.

The defendant is exposed to the narco-analysis test in order to determine the answers to the below questions:

- A. What does the narcoanalysis test reveal?
- B. What is expelled in the narcoanalysis test?
- C. What are the results of the Narco investigation?

In the first category, the accused was charged for having sufficient physical evidence, and only lacked certain links to link the crime with the accused. Due to the circumstances, the second type must be sued. He was a suspect in the third type solely on the basis of complaints and witness testimony, with no physical evidence. To detect and cure mentally ill patients, the psychiatrist utilises a narco-analysis test so that they can accurately know the psychological reality about the person who is unable to reveal it. Authorities, on the other hand, are currently employing it as an investigative tool. Physical coercion has replaced tedious

⁶ Gujarat Law Herald sponsored by the Bar Council of Gujarat, 2009(2), 44

⁷ P.R.Walpe, K.R Foster, et.al, "Emerging neuro technologies for lie-detection: Promise and peril39-49.s" bioeth, (2005).

and time-consuming investigation in police investigations in the belief that a direct approach will provide a faster outcome. Currently, police officials conduct Narco-Analysis tests on suspects instead of using the third-degree procedure, which appears to be a more humane way. The investigating officers are more interested with empirical facts or truth rather than psychological ones throughout these exams so that they might be utilised against the defendant as proof.

In India, as in other countries, the police conduct Narco-Analysis test to extract confessions from the accused. In India, the acceptance of drugs in police work is very low. Its use has raised claims of "psychological level three" and has proven to be a scientific method of interrogation. Moreover, these drugs are used for drug testing. However, in recent years, it has appeared in the news as an effective new interrogation technique has been deployed by a variety of investigative organisations in a variety of situations. E.g., it was initially employed in the Godhra Carnage case in 2002, and in the Abdul Karim Telgi case, the Aarushi murder and the Nithari case in 2003. Thus, it has a wide range of importance in the field of legal sciences.

DNA Profiling:

Deoxyribonucleic acid is often called DNA, and it represents the genetic material of every living Being. The human body is a collection of countless cells, and each cell carries a complete set of chromosomes. In every cell, there are many components, such as ribosomes, Golgi apparatus, and so on⁸. Chromosome contains DNA and protein in the nucleus of each cell, and DNA molecules are wrapped in linear structures called chromosomes. Each chromosome consists of DNA.

Value of DNA Evidence:

DNA is a potential medium because everyone's DNA is different from everyone else except identical twins.

- A person has same DNA throughout his life.
- It doesn't alter with age.
- They will create regardless of whether tissue DNA is isolated: brain, hair, sperm, blood, bone, sputum, urine, skin, kidney, or any other tissue.
- Except for eggs and sperm, the composition of a person's DNA does not vary from cell to cell. The DNA complement of these cells is only half that of other cells in the body.
- DNA is more stable than any other material on earth.
- It is a long-lasting molecule. It has the ability to be heated, boiled, and denatured. The chains reattach to create a double helix under the right conditions, such as buffers, temperature, and so on. It has been isolated from skeletal remains thousands of years ago, and even from fossils millions of years ago, due to its extreme stability.
- DNA testing can solve particularly difficult cases where all other investigative methods have failed, such as interrogations, and witnesses sometimes become adversaries. Even specimen taken from the site of a crime, if the suspect actually committed the crime, will help solve the problem. If the sample obtained from the site of crime is suspected it must match your sample. If the specimen collected from the crime scene is not suspicious, it does not match your specimen. The DNA test is to acquit or convict the person.
- At the crime scene, when there are no witnesses to investigate, DNA evidence provides clues to investigators. No one is a perfect criminal. With the ID of, criminals can definitely leave some clues,

⁸ Jothirmoy Adikari, DNA Technology in the administration of Justice, Lexis Nexis Butterworths, 2007, P. 21

and many evidences are invisible to ordinary people. This may be a real key for forensic analysts. For example, saliva from wine bottles or skin cells captured in the glass you used in, saliva from bite marks, and saliva from cigarette butts can all be compared with the suspect's blood sample. We can easily link the accused with the crime.

- DNA evidence reduces the number of false arrests. Moreover, it provides a way to find the real culprit.
- Even a small amount of biological sample is sufficient for DNA analysis.

Sources of DNA:

DNA exists in almost all living things. It can be extracted from any body cell of an individual. They are⁹:

- Hair and hair roots;
- Nail pairing;
- Pulp of the root of the dental tube;
- saliva;
- urine;
- Body tissues and organ of the body;
- bone marrow and bone;
- foetal material;
- autopsy specimen;
- blood relationship analysis Blood samples and
- other body fluids.

Role of DNA in criminal justice system/ Law field¹⁰:

A. Recognition of offenders in cases related to sexual assault:

DNA evidence is very helpful in sexual assault cases. As soon as possible after the rape we can collect the DNA sample from the accused and then match the sample with the victim and found at the crime scene by using DNA technology. The sample outcome can help the criminal investigator to find whether the accused is really guilty of the offence or not.

B. Recognition of remains:

With the aid of DNA technique, we can identify the persons from their remains i.e., we can collect specimen of persons remains & then by using this technique we can identify the respective person

C. Recognition of offenders in assassination case:

With the aid of DNA technique, we can easily recognise the actual culprit. In crime spot we can find the evidences left behind by culprit-like hair, blood-stain etc and then with their help we can find the culprit.

D. Paternity Cases:

In general, all human possesses DNA pattern from their natural parents and if parent-child relationship of a child is in question then we can take specimen and compare the DNA of parents with the DNA of child. To determine the paternity of a child, there is a legal presumption. For example, according to Sec116 of Bharatiya Sakshya Adhinyam, 2023 a person is presumed to be the legitimate child of his mother and a man.

E. Broad recognition of offenders:

DNA technique can aid in recognising the actual offender like if there are several suspects in a case then

⁹ Dr. B.R. Sharma, Forensic Science in the Criminal Investigation and Trials (Universal Publishing Company, 2003, P.1127).

¹⁰ Jothirmoy Adikari, DNA Technology in the administration of Justice (Lexis Nexis, Butterworths, New Delhi, 2007).

in order to find who is actual offender this technique can be used. By this technique actual offender would be caught and prosecuted and other suspects will be released.

Polygraph Test:

Polygraph, generally known as lie detector test, refers to the process of recording selected physiological activities. A polygraph is a device or program that measures and records some physiological indicators, such as blood pressure, pulse, respiration, and skin conductivity, while doing and responding to a person on a series of questions¹¹.

India does not have legislation defining the term “polygraph”. In India, suspects who are taken to forensic laboratories by police or other security agencies to detect lies and deception are said to undergo drug analysis tests. Because the polygraph is outdated and so loses credibility in the eyes of the public, western cops rarely reveal that the suspect is undergoing polygraph testing. Instead, they claim and reference the Indian narco-test¹².

3. Legality and Constitutionality of using forensic science technologies in India with special reference to Narco-Analysis, DNA Profiling and Polygraph Test:

The legality and constitutionality of using forensic technologies i.e. Narco-Analysis, DNA Profiling and Polygraph Test are hereinafter explained with special reference to The Constitution of India, Bharatiya Sakshya Adhniyam, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023 and landmark judgments of the Apex court and various High Courts:

Narco-Analysis:

It is a crucial investigative tool, particularly in circumstances when there is a scarcity of evidence. A confession made to a police officer is inadmissible and cannot be proven, according to Sec 23 of Bharatiya Sakshya Adhniyam (herein after referred as “BSA”). The main goal of this section is to prevent police officers from torturing suspects in order to get confessions from them. Despite the fact that both groups have the same goal in mind, they function in separate domains. It is commonly known that police officers employ alternative routes to gain confessions, including putting the arrested individual in third degree so that he or she confesses. The confession obtained or made by accused to police or while he is in police custody is not considered as it is based on the idea that such confession might have been obtained or made without freewill thus it would be untrustworthy. This is why u/s 23 of BSA confession made by an accused to police or while in custody of a police officer is not used against him. Therefore, requirement of narco test is important in order to avoid these types of incarceration torture.

Selvi v. State of Karnataka¹³, SC held narco-analysis test shall not be conducted upon the person without his consent & if such test is conducted without his consent and will then it would be against fundamental right of an individual & it would violate Article 20(3) of the Indian Constitution. The court also held that the test must be conducted in the presence of an expert.

In the case of **St. of Bombay v. Kathi Kalu Oghad**¹⁴, the Supreme Court held the following points:

1. The compulsion under Art 20(3) can be a physical compulsion or a mental compulsion.
2. The protection of Art 20(3) is not with respect to the facts which are manifest rather the protection is with respect to the facts based upon the personal knowledge of the accused.

¹¹ <https://en.wikipedia.org/wiki/Polygraph> (Last visited on 28 June at 7:07 pm).

¹² Yawer Qazalbash, “Law of Lie Detectors “61 (Universal Law Publication, New Delhi, 2011).

¹³ 2010 7 SCC 263.

¹⁴ AIR 1961 SC 808.

3. If a person was in police custody & at that time if he made any statement then it cannot be said that the accused was forced to make that statement.
4. The protection is available to an accused at the inquiry & trial stage as well as at the stage of investigation.
5. The protection is available not only in the case in the investigation of which the information of which the information was obtained under compulsion rather the protection is available in any other cases also.
6. The protection is available to an accused only and not to a witness.
7. Giving sample of thumb, foot, fingerprints & handwriting etc for identification purpose is not hit by Art 20(3) & is not covered under coercion.

In **M.P. Sharma v. Satish Chandra**¹⁵, the SC held the following points:

The person who seeks the protection of Art. 20(3) need not to be an accused at the time when he was compelled to give the information. Thus, even if he was not an accused at the time when he was compelled to give information if later on, he is made an accused then he will still get the protection.

1. The protection is available only against compulsion to be a witness & therefore if the accused had given the information voluntarily then he will not get the protection.
2. The protection is available only with respect to those statements & information that can be used in evidence against the accused.

The Supreme Court in **Nandini Sathpathy v. P.L. Dani**¹⁶, ruled that, the goal of Art. 20(3) is to safeguard the defendant from unwarranted police harassment, and that it thus extends to the stage of police investigation outside of the legal process. Furthermore, this right to silence does not apply just to the case under investigation, but also to any other ongoing crimes against him that could lead to his conviction in other cases. This protection may also be used by the suspect, it was contended.

In **State v. M. Krishna Mohan**¹⁷, court held that giving sample of thumb, foot, fingerprints & handwriting etc for identification purpose is not hit by Art 20(3) & is not covered under coercion.

In the famous **Moninder Singh and Surendra Koli case**¹⁸ (**Nithari assassination case**), narco exam was conducted upon the defendants. Test was done to verify the veracity of statements made by offenders during their arrest and interrogation. During the test, the defendant divulged the names of a number of females & kids who had been slain by defendant, as well as his claim that he had raped them after the killings. During the test, the investigating agencies learned a lot of useful information.

In case of **Dr. Rajesh Talwar and Another v. CBI through its Director and Other**¹⁹ also called as **Aarushi Assassination case**. In this case, a 14-yr old girl, Aarushi, was discovered dead in the house on May 16, 2008. Aarushi's parents filed the report at the police station. In this case, Hemraj, the Aarushi family's servant, was suspected of murdering Aarushi. However, Hemraj's body was discovered on the rooftop of Aarush's residence two days later. The police apprehended Aarush's parents. The defendant was exposed to a narco test, a polygraph test, and a brain mapping test in this case. Argued in court that the reports of these tests cannot be used as evidence in court. Court relied on judgment of **Selvi v. State of Karnataka** and held that if the defendant did not agree to conduct such tests, then authorities could not

¹⁵ AIR 1954 SC 300.

¹⁶ AIR 1978 SC1025 at 1032.

¹⁷ AIR 2008 SC 368.

¹⁸ AIR 2011 SC 970.

¹⁹ 2013(82) ACC 303.

conduct such tests. The results of the test cannot be used as evidence, according to the court of first instance, because the individuals did not consciously regulate their reaction during the test.

In the case of **Santokben Jadeja v. St. of Gujarat**²⁰, Gujarat High Court held that the narco test should be conducted with consent of the defendant & that it should be conducted under the superintendence of qualified doctor and defendant's condition should also be taken into consideration.

In **Ramachandran Reddy v. State of Maharashtra**²¹, the Bombay High Court upheld the legality of narco test.

DNA Test:

In **Krishnappa v. Vennkatappa**, the Madras High Court interprets the term "access" in Section 112 of repealed Indian Evidence Act, 1872 (herein after referred as "IEA") to mean only an opportunity for sexual intercourse and not an actual access.

In the case of **Gautam Kundu v. The State of West Bengal**²², the Supreme Court upheld the guidelines regarding the admissibility of a blood test to establish paternity:

1. Blood tests are not often ordered by Indian courts.
2. In order to dispel the presumption emerging under Section 112 of repealed IEA, the spouse must prove a compelling prima facie case of non-access.
3. The Court must thoroughly consider the effects of ordering the blood test.
4. Person can't be forced to furnish a blood sample for testing.

In **Sadashiv M. Kheradkar v. Nandinini S. Kheradkar**²³, The Court can order the respondent woman to produce a blood sample in order to determine the paternity of the child she gave birth to, and if she refuses, the Court can draw an adverse inference against her under Sec 114 (9) of the repealed IEA.

Nandlal Wasudeo Badwaik v. Lata Nandlal Badwaik²⁴, the SC ruled that DNA tests should only be used if they are absolutely necessary, and that DNA tests outweigh the presumption of conclusive proof under Sec 112 of repealed IEA.

DNA and Criminal Justice Administration:

In the case of **Neeraj Sharma v. State of Punjab**²⁵, the High Court observed that the police have the right to collect blood samples, etc. It can be exercised by a magistrate and does not violate Article 20(3) of the Constitution.

In the case **Bhabani Prasad v. Convener Secretary**²⁶, held that DNA testing is believed to be an issue related to the child's parent-child relationship, and whenever such a request is made, the court should not conventionally take instructions for granted. The court must consider a number of aspects, including the pros and cons of presuming such orders under Article 112 of repealed IEA.

Halapa v. St of Karnataka²⁷, the court held that blood samples from rape defendants could be tested for DNA without his consent.

Polygraph Test:

Articles 20 and 21 of the Indian Constitution guarantee life, liberty, and freedom. According to Art 20(3)

²⁰ 2008 Cr.L.J. 3992.

²¹ 2004 ALL MR (Cri) 1704.

²² AIR 1993 SC 2295; 1993 SCR (3) 917.

²³ 1995 Cr. L. J. (SC).

²⁴ 2014 SC.

²⁵ 1953 CriLJ 2226 (Allah.)

²⁶ (2010) 8 SCC 633.

²⁷ 2009 SC.

accused shall not be compelled to be a witness against himself. This article only applies to the defendant, and only talks about evidence of self-incrimination under compulsion. According to this article, the accused can only be protected if he is forced to testify in court. If Art 20(3) is strictly interpreted, protection will only be provided from the moment the person is charged with a crime, and will not extend to the stage prior to the prosecution or investigation.

Siddharth Vashisht v. State²⁸, the court held that the guarantee of the “presumption of innocence” is directly related to the “right against self-incrimination” because forcing the defendant to testify will shift the burden of proving innocence to the defendant instead of requiring the prosecution to prove the guilt of the accused. Refused to answer the problem of guilt is the procedural guarantee that has evolved gradually in customary law, and is closely related to the right to a fair trial.

In the case of **State of Bombay v. Kathi kalu Oghad**²⁹, the Honourable Supreme Court held the following that conducting polygraph upon accused without his consent is against Art 20(3) of the Constitution of India; The compulsion under Art 20(3) can be a physical compulsion or a mental compulsion; the protection of Art 20(3) is not with respect to the facts which are manifest rather the protection is with respect to the facts based upon the personal knowledge of the accused; If a person was in police custody & at that time if he made any statement then it cannot be said that the accused was forced to make that statement; The protection is available to an accused at the inquiry & trial stage as well as at the stage of investigation; The protection is available not only in the case in the investigation of which the information of which the information was obtained under compulsion rather the protection is available in any other cases also; The protection is available to an accused only and not to a witness and also held that this protection is available in case of judicial proceedings and not in case of interrogations done by the cops.

In the case of **Ram Jawaya Kapur v. State of Punjab**³⁰, the court held that the executive branch cannot interfere with constitutional rights and freedoms or any other rights of person, and it was also observed that in the absence of any laws if fundamental right is violated then such interference must be declared as unconstitutional.

In the case of **Nandini Sathpathi v. P.L. Dani**³¹, earlier CM Dani complained that she was prosecuted for refusing to answer police questions about her corruption case. She stated that she could not be forced to give answers of the questions asked by the cops because as per Art 20 (3) of the Constitution, she has the right against self-incrimination and is also protected u/s 161(2) of the repealed Code of criminal procedure, 1973 (herein referred as “CrPC”) and now under section 180(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 (referred as “BNSS”). In such case, it depends on the nature of the corruption. If the lady made simple mistakes or it was not serious corruption, then it does not matter, otherwise she may be forced to undergo a polygraph test. Article 20(3) must exist, but according to the gravity of the facts of the case, there is a loss in the use of a polygraph test.

In **Dinesh Dalmia v. State**³², it was held that scientific tests can be conducted upon the accused persons by the investigating authorities if he is not ready to tell the truth and that would not amount to forceful confession and would not violate his constitutional right.

In the case of famous **Selvi v. State of Karnataka**³³, question came before the court that whether it is

²⁸ AIR 2010 SC 2352.

²⁹ AIR 1961 SC 1808.

³⁰ AIR 1955 SC 549.

³¹ AIR 1978 SC 1025.

³² 2006 Cr. L.J 2401 (Mad.).

³³ AIR 2010 SC 1974.

constitutional to perform a polygraph test on the subject without their consent. In this case, the Supreme Court has also formulated some guidelines on polygraph tests and the court held that without the consent of the defendant, a polygraph test should not be performed on the defendant. If such tests are carried without the consent of the accused, it would be a contrary to the provision of Article 20(3) of the Constitution of India.

Evidentiary Value of Polygraph Test:

It is a crucial investigative tool, particularly in circumstances when there is a scarcity of evidence. A confession made to a police officer is inadmissible and cannot be proven, according to Sec 23 of BNS. The main goal of this section is to prevent police officers from torturing suspects in order to get confessions from them. Despite the fact that both groups have the same goal in mind, they function in separate domains. It is commonly known that police officers employ alternative routes to gain confessions, including putting the arrested individual in third degree so that he or she confesses. The confession obtained or made by accused to police or while he is in police custody is not considered as it is based on the idea that such confession might has been obtained or made without freewill thus it would be untrustworthy. This is why u/s 23 of BNS confession made by an accused to police or while in custody of a police officer is not used against him. Therefore, requirement of polygraph test is important in order to avoid these types of incarceration torture.

In **Ramachandran Reddy v. State of Maharashtra**³⁴, the Bombay High Court upheld the legality of Polygraph test.

CONCLUSION:

The increasing importance of science and its application in criminal investigations has paved the way for scientific inquiry and justice administration in the appropriate place and at the right time. Scientific evidence is essential in every case that is tried in a court of law in order to show the suspect's innocence or to punish him according to the law. To make the process easier, the Criminal Justice System is focusing on providing scientific conclusions to cases, and Forensic Science is the branch of science that aids in the application of scientific principles to the proper administration of the Criminal Justice System.

³⁴ 2004 ALL MR (Cri) 1704.