

DNA (Deoxyribonucleic acid)

CONSENT OF VICTIM

Ss. 375 & 376...Rape--- DNA test--- Consent of victim, obtaining of--- Scope---Consent of victim was necessary and he/she could not be subjected to DNA testing or other medical test forcibly for prosecution purposes because that would amount to infringement of personal liberty of victim.

(2013 SCMR 203 SUPREME-COURT) SALMAN AKRAM RAJA vs GOVERNMENT OF PUNJAB through

CONSENT OF ACCUSED

Rape-----Consent of accused was not required for conducting DNA test or any blood test in order to ascertain truthfulness of the allegation. (2013 SCMR 203 SUPREME-COURT)

AT THE EARLIEST STAGE

Request for administration of DNA test should be made at the earliest stage of the case. .

(2013 SCMR 203 SUPREME-COURT)

SIGNIFICANCE OF DNA TEST

Rape--- ---DNA test provided the courts a mean of identifying perpetrators with a high degree of confidence---By using DNA technology the courts were in a better position to reach at a conclusion whereby the real culprit would be convicted, potential suspects would be excluded and wrongfully involved accused would be exonerated. (2013 SCMR 203 SUPREME-COURT)

FAILURE TO GET DNA TEST...EFFECT

If the rule of the sole testimony of the prosecutrix as sufficient evidence, was accepted, as absolute without any exception thereto, what shall be the outcome of a case, where a lady claims being raped or gang raped, but the medical evidence negates it; it was not in every gang rape case, that the sole testimony should be accepted and relied upon, but each case should be assessed and adjudged on its own facts---DNA and/or group semen test, in the present case was of immense importance which could have scientifically determined as to whether the intercourse with the prosecutrix was committed only by one or by a group of persons---Benefit of such omission should go to the accused, rather the prosecution. (2011 PLD 554 SUPREME-COURT) State VS ABDUL KHALIQ

Report of Chemical Examiner qua vaginal swabs not obtained---DNA test not conducted---Semen grouping not done to ascertain involvement of accused---Effect---Semen found on vaginal swabs of the victim would lose its evidentiary value in such circumstances. (2014 PCrLJ 599 LAHORE-HIGH-COURT-LAHORE) PARVAIZ vs State

