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BIBLIOGRAPHY
ABBREVIATION

- A.P. : Andhra Pradesh
- AD : Anno Domini
- AIR : All India Reporter
- Anr. : Another
- Art. : Article
- B.C.E. : Before Common Era
- Bom. : Bombay
- BPR&D : Bureau of Police Research & Development
- CBI : Central Bureau Of investigation
- CCTV : Closed-Circuit Television
- CFSL : Central Forensic Science Laboratory
- CPC : Code of Civil Procedure
- Cri. L. J. : Criminal Law Journal
- Crl. : Criminal
- Crpc : Code of Criminal Procedure
- D.N.A. : Deoxyribonucleic Acid
- DC : Direct Current
- DRDO : Defence Research Development Organisation
- Ed. : Edition
- Etc. : Etcetera
- F.I.R. : First Information Report
- FSL : Forensic Science Laboratory
- GLR : Gujarat Law Reporter
➢ U. K.      : United Kingdom
➢ U.P.      : Uttar Pradesh
➢ U.S.A.     : United States of America
➢ U/S     : Under Section
➢ UN      : United Nations
➢ UNCTRAL     : United Nations Commission on International Trade Law
➢ URL     : Uniform Resource Locator
➢ US      : United States
➢ UT      : Union Territory
➢ V.      : Versus
➢ Vol.    : Volume
➢ W.T.C.   : World Trade Centre
➢ www     : World Wide Web
TABLE OF CASES

- Abdul Rahaman Kunji v. The State of West Bengal, *MANU/WB/0828/2014*
- Ankur Chawla v. CBI, *MANU/DE/2923/2014*
- Banarsi Das v. Teeku Dutta, *Appeal (Civil) 2918 of 2005 (SC)*
- Buckley v. Rice Thomas, *1 Plowden 118*
- D K Basu v. State of West Bengal, *AIR 1997 SC 610*
- Francis Coralie Mullin v. Administrator, Union Territory of Delhi and others, *1981 1 SSC 608*
- Frye v. United States, *293F, 1013, 1014(D.C.Cir. 1923)*
- Goutam Kundu v. State Of West Bengal And Anr., *1993 SCR (3) 917*
- Halappa v. State of Karnataka, *1911(7) RCR (Criminal) 29 Karnataka*
- Harjinder Kaur v. State of Punjab, *1913(2) RCR (Criminal) 146 (P and H)*
- Hussainara Khatoon v. State of Bihar, *AIR 1979 SC 1360*
➢ Isaac Isanga Musumba v. State of Maharasthra, 2013(4) Recent Apex Judgement
   (409)
➢ Jagdeo Singh v. The State and Ors, MANU/DE/0376/2015
➢ Jagroop Singh v. State of Punjab, AIR 2012 SC 2600
➢ Kalyan Kumar Gogoi v. Ashutosh Agnihotri, (2011)2 SCC 532
➢ Kamti Devi v. Poshi Ram, Appeal (civil) 3860 of 2001(SC)
➢ Kanchan Bedi v. Gurpreet Singh, AIR 2003 Delhi 446
➢ Kunihiraman v. Manoj Singh, (1991) 3 crimes 860 (ker.)
➢ M.P. Sharma v. Satish Chandra, AIR 1954, SC 300
➢ Maghar Singh v. State of Punjab, 2012(3) RCR (Criminal) 94
➢ Maneka Gandhi v. Union of India, 1978 SCR (2) 621
➢ Narayan Debnath v. State of Assam, 2010 CrLJ 275
➢ Omychund v. Baker, (1745)1 Atk 21: 26 ER 15
➢ Pakhar Singh and Anr. v State, 1958 Cri. L.J. 1084
➢ People's Union for Civil liberties v. Union of India, AIR 2004 SC 456
➢ Prabhu Dayal Deorah vs. The D.M. Kamprum, AIR 1974 SC 183
➤ Ramachandran Reddy v. State of Maharashtra, 2004 ALL MR (Cri) 1704
➤ Rattan Lal v. State of Punjab, 1964 SCR (7) 676
➤ Ritesh Sinha v. State of UP, 2013 (1) MLJ (Cri) 30
➤ Rojo George v. State of Kerala, 1979 KLT 337
➤ Sadashiv Millikarjun Kheradkar v. Nandini Sadashiv Kheradkar, 1995 Cri LJ 4990(Bom)
➤ Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke, MANU/SC/0040/2015
➤ Sasntokhben Sharanmbhai Ladeja v. State of Gujarat, 2008CriLLJ 68
➤ Selvi Murugeshan and others v. State of Karnataka, Cri. P. No. 1964/2004 (Karnataka High Court)
➤ Sharda v. Dharmpal, AIR 2003 SC 3450
➤ Shreenath v. Rajesh, AIR 1998 SC 1829
➤ Shreya Singhal v. Union of India, AIR 2015 SC 1523
➤ Siddharam Satlingappa Mhetre v. State of Maharashtra, 2011(1) RCR (Criminal) 126 (SC)
➤ Som Prakash v. State of Delhi, AIR 1974 SC 989
➤ State of Gujarat v. Shamlal, AIR 1965 SC 1251
➤ State of Maharashtra v. Indian Hotels and Restaurants Association, 2013(2) RCR (Civil) 859.
➤ State Through C.B.I. v. Amaramani Tripathi, Appeal (Crl.) 1248 of 2005(SC)
- Sukh Das v. UT of Arunachal Pradesh, 1986 SCR (1) 590
- Usufalli v. State of Maharashtra, AIR 1968, SC 147
- Veera v. State of Maharashtra, AIR 1976 SC 1167
- Virbhadr Singh v. State of H.P, 2011(1) RCR (Criminal) 396 (H.P.)
- Zahira Habibullah Sheikh & Anr v. State Of Gujarat, Appeal (Crl.) 446-449 of 2004(SC)