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CRITICAL ANALYSIS OF ROLE OF ARTIFICIAL INTELLIGENCE IN FORENSICS IN INDIAN JURISDICTION

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ABSTRACT

In this particular paper the role upon the application of AI in forensic evidence collection is critically analyzed against the favor of the people, especially in Indian jurisdiction. How within the certain benefits, which the technology provides, there are innumerable fallacies, which remain unanswered. So firstly brief introduction of what is forensic evidence is being given. Followed by that the various aspects of the application of AI, within the ambit of forensics is eluded. And they are inclusive of creating automated scene, understanding the pattern of the crime committed, same matching through databases, DNA matching, application in cyber forensics application in sound recording and picture resolution, and lastly understanding the behavioral dynamics. Firstly the role of AI upon this is shown, and followed by that, what are the certain fallacies presented over there is also shown, which is affecting the justice system. And the main three issues are having the working of the technology, not in parlance with the provisions of the three major criminal laws of India, lacking authenticity in the findings, and ignoring the intention factor of the particular crime, which forms the primordial aspect. Followed by that certain recommendations, for improvement has been made as result of such analysis. Lastly the entire content has been summarized.

KEYWORDS: APPLICATION, AI, FORENSICS, EVIDENCE COLLECTION, INDIA

RESEARCH METHODOLOGY

Here the research paper mainly focused upon the qualitative research methodology. Hence in order to bring out certain analytical findings, a considerable focus was upon certain data, in the form of written

information. Here detailed information has been taken with regard to the grounds of application of AI in the entire gambit of forensic evidence collection, and accordingly on the analysis, of the same certain loopholes are being brought out. Hence the actual focus is upon the 'how' factor of the phenomenon, which is unlike being "how many" of the same

INTRODUCTION

It has been seen that in recent days the entire span of artificial intelligence encapsulated all the main pillars of society. May it be the health, the other modes of utilitarian technology, and everything in that regard, which involves inevitability in human life. In that regard law cannot actually remain as exception. Day by day, the intensity of dependence of the discipline, is found to be more inclined towards the artificial intelligence side. But on the same side it is also true that there is a separate allocation of the legal stakeholders for their specific purpose. For adjudication, it is the adjudicator, for the policy makers, it is the legislation and for the litigation, it is the lawyers are what which were actually allocated there. But then the dependence is actually on the basis of the processes, which smoothening the rigor of it. Thus through the aid of AI every such deliberations of the stake holders happen in a very smooth way, where it is only they in the particular name, the deeds are getting executed but the real role player is actually the aforesaid technology. Now within all such deliberations, within the particular discipline, it is found that the institution of forensics, is one of the vital part of the entire gamut of evidence collection in the criminal jurisdiction of law, which is mandated to be done, with much accuracy, and dedication. The way, the particular technology of AI is actually emerging with such a strong encompassing effect, the beneficial effect would have its much effect upon such abovementioned world of the forensics. And thus, in this paper, how the particular technology has emerged itself as a new indicator, has been analyzed properly, It is to be analyzed that how the machine made analytics, have effectively dealt the entire analytics, against the discrepancies of the human intellect.



WHAT IS THE FORENSIC METHOD OF EVIDENCE COLLECTION?

Firstly the concept regard the forensics, is needed to be clear. It is one of the most effective as well as skilful part of the entire process of evidence collection in the criminal cases whenever the same is actually needed. Thus accordingly it has innumerable intricacies within the same. So in simple words the same can be described as a properly arranged, rational as well as scientific method of collection, detection as well as protection of various forms of data may it be a physical or a digital one, which appears to be very much relevant before the court of law. These evidences actually involve a lot of relevant data, which actually visualizes the entire crime scene before the audience, in this regard. Thus from here only, the fact can be very well inferred, that the entire process actually involves a lot many efficacy as well as effectiveness. So sometimes, it actually becomes difficult for the humans to deal with such complexities. And to that effect we find the position of Artificial Intelligence plays an important role regulating these aspects. Hence to that regard, what always is not possible for human brains, the machinery actually executes it.

CREATING AUTOMATED CRIME SCENE

Now the first ground of the role of AI on such aspect which has got a much more prominence is having created automated crime scene. Here the fact is made through a particular technology. We see that first of all the research all the necessary documents, which are totally related with the particular crime scene, is actually collected, which may be of any photograph, video, or other related information, to that regard, and on the basis of that the particular technology creates the entire crime scene on that basis. Previously, i.e. before the advent of the particular machine it were found that on the basis of the particular documents, a particular factual imagination based upon the reality is having been presented by the investigating authority

itself. So in that regard the same actually had the involvement of the cognitive skills to be present for both the Investigating agency as well as for the authors. But now the entire scenario actually having presented before the audience i.e. the ones related in the particular matter. The entire mechanism works in such an way, where the entire scene is actually presented on the basis of the reality aspect of the data which are being provided here. But though the fact is that the entire thing is being worked upon through the lies of the authenticity, one thing cannot be forgotten is up till, what extent the same can be said to be legally valid. And to that effect section 62, 63 of the *Bharatiya Saksha Adhinyam, 2024*, it is found that any electronic evidence will equate when the particular thing is being provided with a particular electronic certificate, which would actually enhance the authenticity of the mark¹. In the case of *Anvar PV vs PK Basheer (2014)*, the Apex Court of the nation has declared that if a particular electronic evidence is not being authenticated with a specific certificate, then such evidence would not be regarded before the court of law². Also in the case of *Arjun Panditrao Khotkar vs Kailash Kushanrao Gorantyal (2020)*, also Supreme Court stressed upon section 66B of the Act, for the admissibility of electronic evidence.³ And also on other hand we find out that the section 78 – 93 talks about that that affirmation on the basis of the availability through normal records, government records, official publications. And thus the presence of all such things, which are there in appearance as well as in materialism, have an accurate backing that way. In the case of But on other hand, if we concentrate on such aspects of visibility, it is actually creating a completely, different world altogether. And thus it has such creation has it's independent aspect there. And it's also true that these aspects of it do not have a very strong connection with the practicality. There cannot be any authenticity given in this regard. So accordingly in relation to such aspect, the question les whether really proper abidance such

¹Bharatiya Sakshya Adhinyam, 2023, <https://www.indiacode.nic.in>

² 18 Sept, 2014 Anvar PV Vs PK Basheer <https://www.indiakanoon.org>

³ 14Jul, 2020 Arjun Panditrao Khotkar vs Kailash Kushanrao Gorantyal <https://www.indiakanoon.org>



forementioned sections of the particular legislation is happening or not.⁴

DETECTING THE WAY, CRIME HAS BEEN COMMITTED

The next important functionality, of Artificial Intelligence in this regard would be understanding the way through which the crime is actually being created. It actually delivers the particular way, through which the actual crime has actually being created. The course through which the crime is being created is highlighted here. Such is actually an unique kind of solution, to have been devised by the Artificial Intelligence. Within the various spheres of the evidence collection, almost all aspects it cover including the footprint matters, and also other physical marks. The entire technology works in such a way, were a these components combined together, would actually result in the particular flow, of the crime happened. That is the direction through which the crime as happened. And that also has a very vivid connection with the *mens rea* of the crime. And according to the provisions of the law, the particular concept actually focuses upon the intention of the criminal for doing the particular act. And the particular machinery, is even devised in such a way were the main focus is exclusively upon the will of the criminal. That would actually work in a effective way if actually a presence of the intention of the criminal. But on other and we all know, there is also the presence of another concept .e. the *actus resus*. This particular sphere of the human action, is focused purely upon the action of the particular being. And on other hand, it's also true regarding the fact there are various actions, of crime, where the action is only thing remaining, and there is no intention left behind it. There's neither intent nor motive n that respect. And thus it is only the *actus resus* which is remaining. So here total redundancy to subjective matter, would

sometime, hinder smooth functioning of rendering proper justice in that respect. Apart from that other factors may also contribute to the cause. Within the domain of such evidence collections, the most vital aspect s formed upon collecting the blood samples. Here through the aid of the efficacy of the technology the size shape as well as distribution to that aspect would cover the intention of it. But there can certain issue with blood component of the particular person, which may exceptionally react differently with weapons. So here total ignorance to the medical jurisprudence may again create fallacy to the justice system.

SAMPLE MATCHING THROUGH DATABASES

Another grand of application of AI technology is upon sample matching. The entire machinery works n such a way—where the samples which are collected from the latest finger prints are matched with the large data bases are available here. The particular technology is named as Automated Fingerprint Identification system These databases are actually the store hubs of lot many cases, of similar nature where not only the case brief is given but also along with that such practical evidences area also there, Thus on seeing the similar nature of these fingerprints, the severity of the case is being devised. However, the particular phenomenon, can have a lot of drawbacks within the same. The most prominent of all of it would be the bias which the same is actually creating. And that has all the probability to hinder the justice system. But apart from that if we also analyze the provisions pertaining to the types of evidences, the same is also found to be affected⁵. According to section 58 of the BSA, 2024 primary evidence can be defined as such data and information related to the cases which is actually backed by the consent of the parties to be relevant in the court of law. And then on coming to

⁴ Vanita Kshinagar Nishant Pachpor, 16th Oct,2025, Artificial Intelligence Powered crime scene analysis service, <https://www.sciencedirect.com>
Snehalata U. Shenoy, Artificial Intelligence – Based Techniques for criminal Reconstruction and Investigation

; An overview <https://ww.hillarispublisher.com>

⁵ Muhammad Arjamand, Azeeba Salim, The Role of Artificial Intelligence in Forensic Science: Transforming Investigations through Technology, <https://ijmrap.com>



section 59 of the BSA, 2024, here we find out that the secondary evidence mentioned in the particular legislation speaks upon the fact is actually a derivative of the primary evidence.⁶ These evidences are actually the certified copies of the original document, through mechanical assistance or through verification. And here if we focus only upon the certification through the mechanics, the same has a resemblance in the particular application of the machine. Here also the entire detection is happening through the machine on the basis of the documents provided. The only difference here is presumption, unlike duplication. So in that case, the position of the section can actually be substituted with the application of the technology. On the other hand according to the section of the BSA, 2024, it is found that the primary evidence would be of utmost priority to be admissible before the court of law. While on other hand section 60 of the BSA, 2024 talks about the exceptional situations, where the secondary evidences would only be given when there is no primary evidence is available. Thus if we analyze the two sections of the Act, where one of it says that the certification of the parties associated with the same and other hand the other sections talks about secondary section to be only admissible before that, whenever there is actually the vacancy of the primary evidence. In this particular circumstance, the same is not matching with either of it. Firstly the results are totally on the basis of the presumption and that consequently the same is not made by human, it is rather made by the machine, which leaves behind no person to affirm the truthfulness of it. While on other hand, as the same has resemblance with the secondary evidence, this presuming it to be that, such kind of evidence will be admissible before the court of law, whenever there's no availability of the secondary evidence. But here, we can find out the application of the technology is becoming obvious, basing upon the evidences which are there. It seemed like, admissibility will be on the work done by the technology. But in the absence of the technology, the

authenticity would be extracted at it's best from these resources only. It would actually upheld those aspects, which are existent, rather than striving into presumption as well as creativity, at the first instance. Not only that but also, it is found that these AI driven technology actually used to also create facial resemblance, with the aid of it's detection machine which is mainly inclusive of the various CCTV footages, social medias, photographs. Mainly such applies for low resolution images. Here from various angles, the snippets of the image are being collected, and adjoined together. Thus this way, a proper person can actually be detected. And to that effect lies the most worrisome aspect. Now an actual person is being detected through machine language. Now with respect to it, the aspect of utmost facial resemblance, is being totally ignored by the people. Persons of similar aspects, can be actually involved at different instances of the crime spot. So the way, the technology is working, the same is pointing out one particular person, to be liable for a specific crime. Now such similar looking can very well have contributions in the crime. But if a particular person is detected to liable for the particular crime, which is totally against the intensity of the crime occurred, would be again a breach of justice caused. Another aspect i.e. Foreign Phenotyping which is another aspect of AI application, is saying that whenever the resemblance factor with cases stored in databases would not work, the technology would itself use certain predictive coding to identify figures like hair colour, skin colour etc. But that will in full sense violate section 59 of the BSA, 2024, i.e. the institution of the secondary evidence, which focuses upon creation of such evidence based upon the primary evidence. But here unfortunately, the entire thing is actually happening through predictive coding.⁷ So in that regard the question would definitely arise, whether then such kind of evidence would be admissible before the court of law or not.

⁶ Bharatiya Sakshya Adhinyam, 2023, <https://www.indiacode.nic.in>

⁷ Ioannis Ketsekioulafis Giorgas Filandrianos 28 Sept, 2024, Artificial Intelligence in Forensic

Sciences: A systematic Review of Past and Current Applications and Future perspectives



DNA MATCHING AND OTHER RELATED BIOLOGICAL EVIDENCES

Another ground of such evidence collection, is upon the analysis of DNA and Biological evidence. This particular ground actually involves contribution of many people within it. This adheres to much complexity within the structures, which sometimes, really becomes for the humans to interpret. And in that case, the technology actually plays an important role. One of the important contribution of AI in its regard is Gene sequencing. In normal aspect, the particular execution actually plays a very important role. Through normal procedure the entire thing would actually take a lot draw backs even. First of all we find out this as a probability to challenge the authenticity of the particular evidence, as mentioned previously.

⁸On other hand another ground which is also needed to be looked is that while within the process of investigation, there comes out a lot many other evidences, which found to be relevant in the particular case. That is actually called as discovered facts, mentioned in section 23 of the legislation. And such practice would diminish the course of that aspect. This is because, the machine would totally go in an organized manner. It knows in what direction, it needs to go, and quickly detect the correct genes, which would make the entire search in an accurate manner. This would be unlikely to the type of the investigation which the humans would do. For them, the shape of the investigation, may get affected upto a considerable extent. Through that there may comes out certain aspects of document which may appear very much relevant to the case. But here again on application of the technology is limiting the entire scope of section 23 of BSA, 2024⁹.

APPLICATION IN CYBER FORENCIS

Followed by that, the application of AI is also seen highly in the area of cyber forensics. Rather such part actually forms the widest section in forensics, when the application of AI comes into reference, in lieu of the high emerging trend of cyber crimes, throughout the globe. As we all know, that AI is actually the hub of various networks, like that way, it provides accesses to a lot many platforms, that are inclusive of various kinds of entities namely the computers, cloud storages, emails, various types of social medias, etc. Now followed by that we need to analyze what are the prominent crimes which happen in digital world. Mainly it is seen that the crimes like hacking, phishing, malware attacks, are very common here. And thus in this process, we find out that the entire technology actually follows a series of processes. It firstly utilizes the store hubs. And that is actually inclusive of the files in memories, resources in RAM, memories, in CLOUD as well as file in connection through various OTT networks. And followed by that it on detection of the relevant data, it filters out the same. And to that effect the only remaining is the part of the unauthorized data and in that way, one can very easily demarcate who is to be the probable hacker. And now the question here lies is whether such ambit of examining the resemblance is broad enough to be justifiable or not. It is actually seen that the particular technology work strong connection, which is actually the typical nature of AI having worked through store hubs. But in that respect the platforms which are quite popular to the public are the only ones whose data are there in the databases of AI¹⁰. But the situation, may not be always like that. There may occur certain contrary situations. And in that case ignorance to these aspects would be a grave contrary to the justice. Not only this, but also, breach of the

⁸ Ioannis Ketsekioulafis Giorgas Filandrianos 28 Sept, 2024, Artificial Intelligence in Forensic Sciences: A systematic Review of Past and Current Applications and Future perspectives

⁹ Bharatiya Sakshya Adhinyam, 2023, <https://www.indiacode.nic.in>

¹⁰ Bennie L. Clevenand Jr. 27 Feb, 2025, AI & ML in Digital Forensics: The future of Forensic Investigation

Rohit Tahsildar Yadav Aug, 2024, AI Driven Digital Forensics <https://ijsret.com>

Yuri Gubanov 26th Jan, 2025, Revolutionizing Investigations: The Impact of AI in Digital Forensics <https://www.cyberdefensemagazine.com>



section of the Bharatiya Nagarik Surakshya Sanhita, 2024, would happen here. According to the particular section 199 of the legislation, it was mentioned that for a proper investigation, the need of having clear cut facts¹¹. And unfortunately, we find out that the entire procedure would work on the basis of a very limited form of data. So in that way, whether there is the proper abidance to such section is being abided or not is the question.

APPLICATION IN SOUND RECORDING AND PICTURE RESOLUTION

Till now, we came to know that AI are actually the networks, which are there for connection to various databases in the Internet. And according to the question, the search is actually get processed. And answers on being there within the databases are shown as the result. But the question is that whether AI limits itself, within such work interface or not. Consequently, it is actually not the fact. Such kind of functioning, is being upheld on the basis of search. But as we can see that AI plays a very important role in forensics, it is obvious the same must be equipped with the required technologies. Like that way, it as certain devices, which are there to improve the particular sound recording regarded essential as evidence in a case. Followed by that it also have seen to brighten low resolution images, which are evident to the case. But again the question here is how the same works. We all know, in ant searching matters, the answers contents are actually searched from the, but the way, the same will be designed would be based upon the intelligence the machine beholds. So from there it can very well understand that the final output which the machinery is processing is based upon the predictability. Now in this regard let's take the example of "GHIBLI" trend which were famous till six months before. There a particular picture were actually sent, and on seeing the same, the machinery through it's sense of predictability created the artistic entity. Apart from that, we also see that the voice of

many famous characters are actually intimated through AI, and that is also happening through that predictability. Now the question, is then why this case would be an exception. Here it's true that improvement is being made upon audio, picture, etc. But the same happens through the same lines of intelligence of predictability. It actually amplifies the sound as well as brightens a picture according to the presumption of what it should be in the better version. And now the problem to this aspect is the same thing that whether, sufficient authenticity is actually present within it or not¹². The art of presumption may not be accurate. Thus this way, it is again seen to have violated section 63 of the Bharatiya Saksha Adhnyam, 2024. In continuation to this aspect, another identical functionality is the instrument of deep fakes, here it is seen te entre process works, n such away, where the technology can very well understand the institution of any altered or synthesized audio or video material. So that way, on understanding the unrealistic aspect of it, the intimidation to the crime, can be very well detected. But the fact is that whether everything goes in the same line, is again the question¹³. Whether always the modification is done as clue towards the happening of the crime, may not be the truth. The alteration to these aspects may not be in the directions of the crime caused. So again the clarity with regard to the *mens rea*, mentioned in section 6 of *Bharatiya, Nyay Sanhita, 2024* is being presented¹⁴.

UNDERSTANDING DYNAMICS

BEHAVIOURAL

The last and not the least to this particular aspect of the technology, is that, we find out that the particular technology also plays a very instrumental role in understanding behavioral dynamics of the criminal. It according to the pattern of the crime, would actually detect the type of the crime committed. Such execution may not appear easy for the humans to execute, taking much of time for the particular

¹¹ Bharatiya Nagarik Sanhita, 2023,

<https://www.indiacode.nic.in>

¹² Marymount Admins, 10th Sept, 2024 THE ROLE OF AI IN FORENSICS, <https://marymount.edu>

¹⁴ Bharatiya Sakshya Adhinyam, 2023,

<https://www.indiacode.nic.in>



purpose. But even within these aspects certain loopholes are very prominent. This is because the way the technology is working is not in consonance with the sections mentioned in the particular Act of *Bharatiya Sakshya Adhinyam, 2024*, rather the practicality of the circumstances. Suppose if a particular crime is being done very tactfully, to hide the execution or the intention to it, behind it does not mean that the person, is skilful to this, hence having the intention of it. There can be various external factors contributing to it before and after the occurrence of the particular crime. On other hand it is also ignoring section 49 of the *Bharatiya Sakshya Adhinyam, 2024*. Here according to the particular section, it has been mentioned clearly that whenever there is any ambiguity regarding the fact that whether a person can be regarded as criminal or not, then firstly the background of the criminal is being taken to consideration, and i.e. the past incidents of crime. And to that effect, the availability of that would prove something. But here the way this particular technology is working, it is clearly relinquishing the particular section. Though it's true that while understanding the dynamics, AI considers behavioral data, but the fact is that it purely considers the behavior to that aspect, and not the intention behind it. So in a manual inspection, it actually undergoes a wholesome process, where the detection of *mens rea* in section 6 of the Act, determines the significance of it¹⁵. In same way it also goes in connection the location as well as events, which are also related to a particular crime, in order to trace a particular person for the crime, but unfortunately the practicality has variability in it's occurrence with respect to the facts.

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PROBABLE RECOMMENDATIONS

Thus upon analyzing these grounds of application of AI in forensics, there are recommendations laid out Firstly the thing, which is needed to be considered, is that a proper order of check and balances must be laid out for the proper functioning of the technology. From

the application it is seen that the various parts of the part of the forensics are being handled by the application of AI, but the fact cannot be denied that for every such aspect there is specific provisions of the three major legislations, i.e. *Bharatiya Nyay Sanhita, 2024*, *Bharatiya Nagarik Surakshya Sanhita, 2024* & *Bharatiya Sakshya Adhinyam, 2024*. And in anyway those provisions, should not be curtailed. Rather for fulfillment of those sections, the technology is being used. Suppose for example, on analyzing the particular crime, on a particular event and a particular aspect, the *mens rea* mentioned in section 6 of the BSA, 2024, can be detected through AI platform.

Another aspect with regard to it is about the authenticity of the particular evidence. It is always to be made clear regarding the fact that through the line of presumption through which the particular technology is actually working is some way or the other is actually the challenging the authenticity of the evidence, which is actually mandated with mandated from the purpose of justice. The main reason for the same, is that it goes through a straight jacketed way, which ignores the other external factors. Hence manual intervention in this process of forensic collection is something which is actually mandated. Hence in such cases police must be with it's full capacity be there for the purpose of investigation. As well as the proper analysis of various aspects by psychologists, sociologists, should be made, in order to before it is to be handled by the authority of such technology, i.e. when, human execution incapacitates it's function reasonably.

In criminal cases, one of the main aspects, is the law, governing it. And that also determines a high variability in the penalty. So for all aspects, in forensics, such intention involving the *mens rea* must be ascertained at the first go. The AI technology should first detect the criminal intention of the person involved in the crime. And then, followed by that, the

¹⁵ *Bharatiya Sakshya Adhinyam, 2023*,
<https://www.indiacode.nic.in>

¹⁶ Jiya Bharadwaj, Khusboo Goyal, Jan, 2025
 Revolutionizing Forensic Science: The Role of

Artificial Intelligence in Evidence analysis
<https://psychopedijournals.com>



pattern and other related aspects of it would be identified. Being the same the primordial factor in delving such cases, such must actually regulate the functioning of the technology.

CONCLUSION

Thus from here, it can be very well understood that the entire working of the AI technology, though having a significant impact upon the entire system of forensic collection, it has innumerable loopholes, which are yet to be solved. And to that regard, the two main such flaws are, having nowhere mentioned the fact that are, total inconsonance with the three major legislations of the criminal genre, and the other aspect is lack of clarity, of authenticity of the findings. The only benefit which the technology is providing is of having accelerated the workflow of the man in this, which may have certain contribute to the justice system. But on the same hand it is also true, until and unless the loopholes, which are mentioned previously is not being addressed, justice would be adversely affected someway or the other.

