

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Crl.MC.No.3480 of 2015

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CRL.MP NO.1722/2015 IN S.C. NO.415/2012 OF THE SESSIONS COURT,
KASARAGOD.
CRIME NO.191/2010 OF KASARAGOD POLICE STATION,KASARGOD.**

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PETITIONER'S/ACCUSED:

- 1. SUHARA,W/O.ABDUL KAREEM,AGED 38 YEARS,
PULIKKOOR HOUSE,SHIRIBAGILU,KASARAGOD.**
- 2. AYISHATH SARA.M.A.,D/O.ABDUL KAREEM.M,
RESIDING DO**

BY ADV.SRI.T.G.RAJENDRAN

RESPONDENT'S/COMPLAINANT/STATE:

- 1. THE SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION - 671 121.**
- 2. STATE OF KERALA,REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.3480 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE I-TRUE COPY OF THE REPORT FILED BY THE LEARNED PUBLIC
PROSECUTOR.**

**ANNEXURE II-TRUE COPY OF THE OBJECTION STATEMENT FILED BY THE
PETITIONERS.**

**ANNEXURE III-TRUE COPY OF THE ORDER IN CRL.M.P 1722/15 OF SESSIONS
COURT KASARAGOD.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3480 of 2015

Dated this the 6th day of July 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. Petitioners are accused in S.C. No.415 of 2012 on the file of the Sessions Judge, Kasaragod. First petitioner is the mother of the 2nd petitioner. They are charged with having committed the offence under Sec.302 of the Indian Penal Code. The prosecution case is that the 1st accused, the mother of the 2nd accused throw an illegitimate child of the 2nd accused into a river. Before the case was taken up for trial, it was noticed that the investigating officer did not take any steps to adduce scientific evidence to prove that the 2nd accused is the mother of the deceased. So the learned Public Prosecutor filed an application under Sec.173(8) of Cr.P.C. for further investigation so that DNA test may be conducted. This was allowed by the learned Sessions Judge. The legality of this order is under challenge.

3. Heard.

4. The facts of the case leave no room for doubt that there was a mistake on the part of the investigating officer in not collecting scientific evidence to prove that the 2nd

petitioner is the mother of the deceased child. The only course open to the court was to allow the application filed by the learned Public Prosecutor to conduct further investigation. No interference is called for.

In the result, this Crl.M.C. is dismissed. The learned counsel submits that the petitioners may be given the liberty to raise any contentions which they may raise on filing the final report. There is no legal impediment for it.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/True Copy/

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P.A.To Judge