

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1168 of 2015

and

M.P.Nos.1 and 2 of 2015

Venkatesh
S/o.Palanisamy

.... Petitioner/Accused

v

1.State by
Inspector of Police,
Veeranam Police Station,
Salem District.

2.Saron Gladish

.... Respondents/Complainant

Criminal Revision filed under section 397 r/w 401 of Code of Criminal Procedure against the order of learned Sessions Judge, Mahila Court, Salem, passed in C.M.P.No.207 of 2015 in S.C.No.210 of 2013 dated 03.06.2015.

For Petitioner : Mr.R.Nalliyappan

For Respondents: Mr.C.Iyyaparaj,

Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned Sessions Judge, Mahila Court, Salem, passed in C.M.P.No.207 of 2015 in S.C.No.210 of 2013 on 03.06.2015.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3. It is the contention of learned counsel for petitioner that towards conduct of a DNA test to establish that the petitioner is the father of her child, a petition u/s.173(8)

Cr.P.C. stands moved by second respondent at the fag end of the proceedings in S.C.No.210 of 2013 on the file of learned Sessions Judge, Mahila Court, Salem. Learned counsel contends that in allowing such petition, the Court below has proceeded merely on the representation on behalf of the State by learned Additional Public Prosecutor that they had no objection. No notice stands served to petitioner.

4. Taking into consideration the need to avoid further delay in the proceedings, that delay therein would only defeat the purposes of second respondent and further, that in passing an order the Court below wrongly has failed to issue notice to petitioner herein, this Court allows this revision without issuing notice to second respondent.

This Criminal Revision shall stand allowed. The order of learned Sessions Judge, Mahila Court, Salem, passed in C.M.P.No.207 of 2015 in S.C.No.210 of 2013 on 03.06.2015, shall stand set aside. The Court below shall now deal with C.M.P.No.207 of 2015 in S.C.No.210 of 2013 afresh, cause notice to petitioner herein and dispose of the same on merits within a period of two weeks from the date of receipt of a copy this order. In the circumstances, it will be open to petitioner to move a petition u/s.70(2) Cr.P.C. seeking recall of NBW issued against him. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gm
To

1.The Inspector of Police,
Veeranam Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Nalliyappan Advocate sr.60661

Cr1.R.C.No.1168 of 2015

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