

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CRL.R.C.No.324 of 2015
and M.P.No.1 of 2015

Rajammal

... Petitioner

Vs.

R.Bathran

... Respondent

Criminal Revision Petition filed under Section 397 of Cr.P.C., against the order in Crl.M.P.No.7167 of 2014 in M.C.No.23 of 2012 dated 10.12.2014 on the file of Judicial Magistrate No.II, Pollachi, Coimbatore District calling for the records seaside the same and further order for D.N.A. test of the respondent to determine the paternity of the petitioners children by obtaining expert opinion from a qualified medical expert.

For Petitioner : Mr.V.Ravi
For Respondent : Mr.R.Nandakumar

ORDER

This Revision challenges the order dated 10.12.2014 passed in Crl.M.P.No.7167 of 2014 in M.C.No.23 of 2012 on the file of Judicial Magistrate No.II, Pollachi, Coimbatore District.

2. The petitioner herein had moved M.C.No.23 of 2012 before the Judicial Magistrate No.II, Pollachi, under Section 125 of Cr.P.C., seeking maintenance. The respondent/husband has admitted to being the father of one of 6 children. Fearing that her honour would be scarred, the petitioner has sought the conduct of DNA test towards establishing the parenthood of 5 children. Such petition has been dismissed by the trial court for the reasoning that respondent has admitted to being father of one of the 6 children. Aggrieved thereby, the wife has filed the present Criminal Revision Petition.

3. Heard learned counsel for petitioner and respondent.

4. Besides merely establishing the parenthood of the children, the result of the D.N.A., test may also lead to an inference of long cohabitation, which in turn, would lead to an inference of marriage. For the said reason, the Revision stands allowed. The court below shall require the concerned parties to

be subjected to DNA test. After obtaining the DNA report, the court shall proceed to dispose of the case as expeditiously as possible and preferably within a period of 1 month from the date of receipt of a copy of this order. Consequently connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

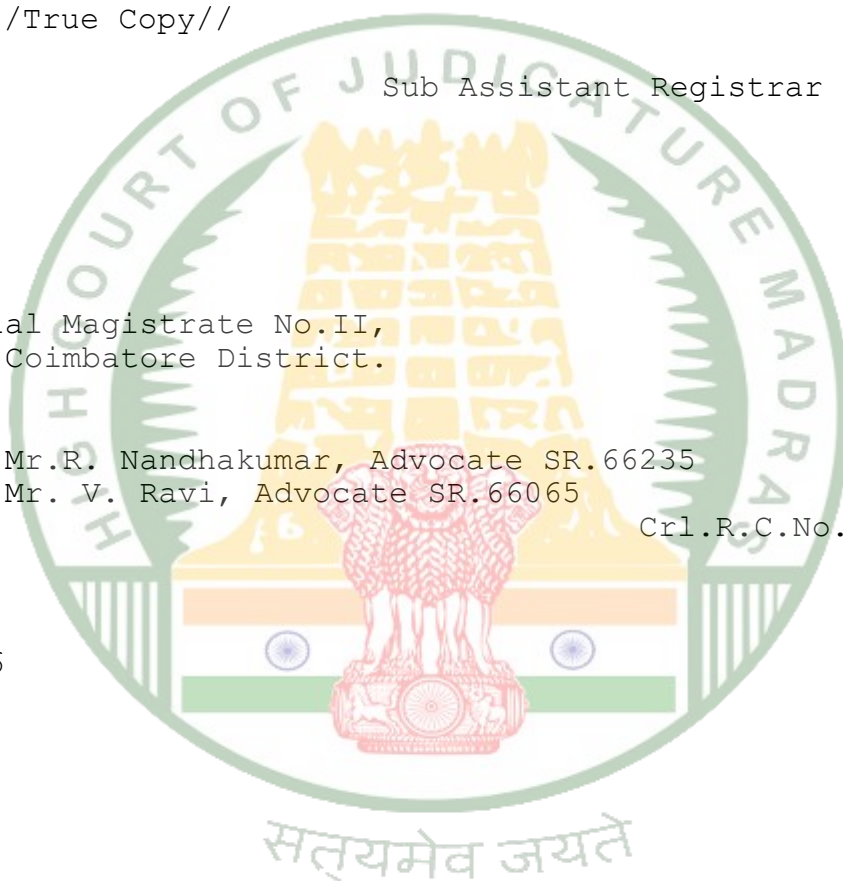
The Judicial Magistrate No.II,
Pollachi, Coimbatore District.

+ 1 cc to Mr.R. Nandhakumar, Advocate SR.66235

+ 1 cc to Mr. V. Ravi, Advocate SR.66065

Cr1.R.C.No.324 of 2015

SVI (CO)
EU 20.1.16



WEB COPY