

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

CRIMINAL REVISION CASE No.1184 of 2013

Between:

Mekala Ravi

..... PETITIONER

AND

The State of Andhra Pradesh represented by
Public Prosecutor, High Court, Hyderabad, and
others

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **28.07.2015**

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 2. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.R.C.No.1184 of 2013

ORDER:

This Criminal Revision Case is filed questioning the correctness of the order of the learned I-Additional Judicial Magistrate of First Class, Kothagudem, Khammam District, dated 14.02.2013 passed in Crl.M.P.No.114 of 2013 in D.V.C.No.20 of 2011.

Brief facts of the case are that the petitioner is the husband of the 2nd respondent herein. Respondent No.3 herein is said to be born out of their wedlock. It is alleged that after the differences have arisen, respondents 2 and 3 herein filed D.V.C.No.20 of 2011 against the petitioner and respondents 4 to 8 herein before the I Additional Judicial Magistrate of First Class, Kothagudem.

According to the petitioner-husband, the marriage between him and respondent No.2 herein was dissolved about 15 years back in the presence of caste elders by mutual consent and that respondent No.3 herein was not born during the subsistence of their marriage. It is the case of the 2nd respondent-wife that her marriage with the petitioner was solemnized about 13 years back and respondent No.3 was born out of their lawful wedlock. Pending the aforesaid D.V.C.No.20 of 2011, the petitioner herein filed Crl.M.P.No.114 of 2013 seeking permission to undergo D.N.A. test along with respondent No.3 herein so as to prove that he is not the father of respondent No.3 herein. The trial Court by order dated 14.02.2013 dismissed the said petition holding that unless sufficient evidence is let in, the date of marriage of the petitioner with respondent No.2 herein and also the legitimacy of the child cannot be determined.

Having heard the learned Counsel appearing on either side and upon perusing the entire material available on record, this Court is of the considered view that the impugned order does not suffer from any illegality or infirmity which calls for interference by this Court. However, the learned Magistrate shall conduct an preliminary enquiry with regard to the marriage in between the petitioner and respondent No.2 herein and dissolution thereof, if any, and thereafter, if it is felt necessary, the request of the petitioner for sending him and respondent No.3 herein for D.N.A. test can be considered.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

28-07-2015

Gsn