

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2809 OF 2016

Sonali Patil ... Petitioner

V/s.

The State of Maharashtra & anr. ... Respondents

Ms. Vandana M. Tiwari for the petitioner.

Mrs. M.M. Deshmukh, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

14th September, 2016.

P.C.

Heard learned Counsel for the parties.

2. The petitioner-Complainant submits that on the complaint filed by the petitioner, FIR came to be registered on 28th October, 2014 for the offences punishable under Sections 376, 420 and 506 IPC.

3. Learned Counsel submits that during the investigation a DNA test

was conducted from blood samples of the petitioner and petitioner's daughter Mayuri and accused Jangbahadur Chauhan. The result of the DNA was made available to police by Assistant Chemical Analyser to Government Forensic Science Laboratory, Mumbai. It is submitted that result of the analysis dated 20th April, 2015 is part of the chargesheet.

4. Learned Counsel submits that according to result of analysis, the accused Jangbahadur Chauhan is excluded to be biological father of Mayuri Chauhan but petitioner is concluded to be the biological mother of her daughter Mayuri. Counsel submits that to establish that accused is biological father of Mayuri, the petitioner desires to get the DNA test done again as petitioner apprehends some manipulation of the result of analysis of DNA.

5. We have perused the record. The chargesheet is already filed. The petitioner is at liberty to file appropriate application in the trial Court as and when necessary with a request for DNA test. In case such an application is filed, the trial Court would deal with the issue in accordance with the material collected by police and necessity to have second DNA test.

6. All issues on merits are kept open. With these observations, Petition is disposed of.

(PRAKASH D. NAIK, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)