

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.13631 of 2016

and Crl.M.P.No.6998 of 2016

Palaniappan

... Petitioners

Vs.

The Inspector of Police,
Nagavalli Police Station,
Salem.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., to stay all further proceedings in Spl.S.C.No.45 of 2015 on the file of the Sessions Judge, Mahila Court, Salem, until receiving result of DNA test conducting between the petitioner and the de facto complainant's daughter as ordered by the Sessions Judge, Mahila Court, Salem in C.M.P.No.796 of 2016 dated 16.12.2016.

For Petitioner : Mr.T.Ganesan
For Respondent : Mr.C.Emalias,

O R D E R

This petition has been filed to stay all further proceedings in Spl.S.C.No.45 of 2015 on the file of the Mahila Court, Salem, until receipt of DNA test result.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is seen that this petitioner is facing prosecution before the learned Sessions Judge, Mahila Court, Salem in Spl.S.C.No.45 of 2015 for offences under Section 6 r/w 5[1][J][2] of POCSO Act, 2012 r/w Section 376[2] of IPC. It is the case of the prosecution that the petitioner had sexually abused

the victim girl and that, she conceived and delivered a boy child. During investigation, the police had not subjected the petitioner, the victim and the child to DNA profiling. During trial, the petitioner filed C.M.P.No.796 of 2015 in Spl.S.C.No.45 of 2015 for a direction to have the DNA profiling done. The trial Court allowed the petition by order dated 16.12.2015. Despite which, no steps have been taken in this regard and hence, the petitioner is before this Court.

4. Today, Mr.S.Krishnan, Inspector of Police, Jalakandapuram Police Station Circle, Salem District is present before this Court and he is directed to depute a women Sub Inspector, who should take the identification particulars of the petitioner, the victim girl and the child. Thereafter, the women Sub Inspector is directed to collect the blood card [FTI card] from the Deputy Director, DNA Division, Tamil Nadu Forensic Laboratory, Chennai-04. After collecting the blood card [FTI card], the women Sub Inspector is further directed to take the petitioner, the victim girl and the child to the Dean, Mohan Kumaramangalam Government Hospital, Salem for drawal of blood samples. The Dean, Mohan Kumaramangalam Government Hospital, Salem is further requested to make arrangements for drawal of blood samples. At that time, the petitioner shall take a photographer at his cost, who shall take photos of the petitioner, the victim girl and the child. The photos shall be handed over to the women Sub Inspector, who should collect the blood card [FTI card] under proper acknowledgment and submit the same to the Deputy Director, DNA Division, Tamil Nadu Forensic Laboratory, who is directed to complete the DNA profiling and send the report directly to the learned Sessions Judge, Mahila Court, Salem, expeditiously.

5. The Inspector of Police, Jalakandapuram Police Station Circle, Salem District is directed to complete the exercise of drawal of samples and sending the same to the Forensic Department, within one month from the date of receipt of a copy of this order. Until receipt of the DNA test result, the proceedings in Spl.C.C.No.45 of 2015 on the file of the Mahila Court, Salem is stayed. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Dean,
Mohan Kumaramangalam Govt. Hospital,
Salem.

2.The Deputy Director,
DNA Division,
Tamil Nadu Forensic Department,
Dr.Radhakrishnan Salai, Chennai-4.

3.The Sessions Judge,
Mahila Court, Salem.

4.The Inspector of Police,
Nagavalli Police Station,
Salem.

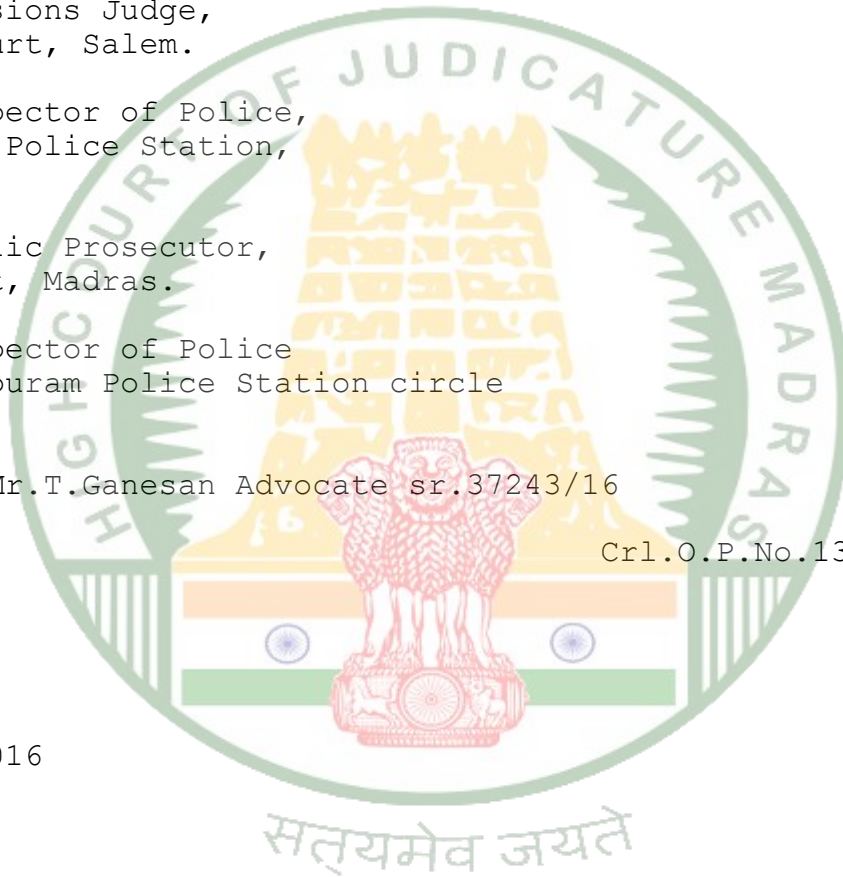
5.The Public Prosecutor,
High Court, Madras.

6.The Inspector of Police
Jalakandapuram Police Station circle
Salem

+1 cc to Mr.T.Ganesan Advocate sr.37243/16

Cr1.O.P.No.13631 of 2016

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