

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1505 of 2016

ORDER:

The petitioner filed the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order, dated 17.11.2015, passed in CrI.M.P.No.441 of 2012 in M.C.No.5 of 2008, on the file of the Judicial Magistrate of First Class, at Kothavalasa.

Heard and perused the material available on record.

The petitioner filed the CrI.M.P.No.441 of 2012 in M.C.No.5 of 2008 to grant permission to take out the blood samples by any qualified registered medical practitioner in the court as per the directions given in the letter, by summoning him to the Court, whereunder and whereby, the learned Magistrate dismissed the petition on the ground that the learned counsel for the petitioner failed to take steps to revalidate the D.D. in CrI.M.P.No.781 of 2012. Aggrieved by the same, this criminal revision case is filed.

The petitioner filed CrI.M.P.No.781 of 2012 in M.C.No.5 of 2008 praying the lower Court to address a letter to the Director, Centre for Cellular and Molecular Biology (CCMB), Hyderabad, to fix the appointment for collecting the samples of blood for the said test from the parties herein either at Vizianagaram/Visakhapatnam to the convenience of the parties or at the Hyderabad Centre, and necessary charges incurred for such test, whereunder and whereby the learned Magistrate dismissed the petitioner as the learned counsel for the petitioner failed to take steps to revalidate the D.D. in spite of giving sufficient opportunity.

Learned counsel for the petitioner submitted that the petitioner disputes that the 2nd respondent is not born to the petitioner and if the

said issue is resolved, the real controversy involved in the main case would be adjudicated with proper perspective and in order to prove the paternity, the petitioner filed application for DNA test which was allowed and to prove the same, it is essential for collection for the blood samples and thus, the petitioner sought for permission to summon the registered Medical Practitioner to the Court to take out the blood samples.

Considering the said facts and circumstances of the case and the submissions of the learned counsel for the petitioner, the criminal revision case is disposed of with the following directions:

The petitioner should revalidate the D.D. and file the same before the concerned Court along with the present petition and on such application, the concerned Court is directed to dispose of the same in accordance with law.

With the above directions, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

RAJA ELANGO, J

June 09, 2016.

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