

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.2250 of 2017

& Crl.MP.No. 1602 of 2017

Boopathy

..Petitioner

Vs

The Inspector of Police,
All Women Police Station,
Panruti
Cuddalore.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the order dated 04.08.2015 made in Criminal Revision Petition No. 34 of 2014 on the file of the Principal Sessions Judge, Cuddalore and set aside the same and also stay the operation of the order dated 04.08.2015 made in Criminal Revision Petition No. 34 of 2014 on the file of the Principal Sessions Judge, Cuddalore.

For Petitioner : M/s.S.N.Subramani

S. Arabu Nisha

For Respondent : Mr.P.Govindarajan

Additional Public Prosecutor

O R D E R

The order of the learned Judicial Magistrate No.II, Panruti, permitting the petitioner, defacto complainant and the child born to the defacto complainant to try DNA test, was challenged in Revision before the learned Principal Sessions Judge, Cuddalore in CRP. 34 of 2014.

2. By order dated 04.08.2015, the learned Principal Sessions Judge, Cuddalore was at opinion, since there was no oral and documentary evidence to prove the case of the prosecution, the DNA test was required. With these observations, the Revision came to be dismissed.

3. The learned counsel for the petitioner vehemently argued that the order passed by the learned Principal Sessions Judge, Cuddalore is not in accordance with law and that the petitioner cannot be compelled to subject himself for DNA Test, which is

against proviso to Section 132 of Indian Evidence Act.

4. However, I am not in agreement with the submissions made by the learned counsel. When there is insufficient evidence to establish the case of the prosecution, the DNA test in the present case, ought to be conducted.

In view of the same, I do not find any merits in the present application and the Criminal Original petition is dismissed. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The Inspector of Police,
All Women Police Station,
Panruti
Cuddalore.

2.The Principal Sessions Judge, Cuddalore

3.The Judicial Magistrate NO.II
Panruti

4.The Public Prosecutor,
High Court, Madras.

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CRL.O.P.No.2550 of 2017