

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) 854 OF 2017

in

CRIMINAL APPEAL NO.702 OF 2002

(Rambhau S/O. Bapurao Nagpure..vs... State, through Police Station Officer, Police
Station Parsioni)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A.V. Palshikar, Additional Public Prosecutor for respondent / State.

CORAM: ROHIT B. DEO, J.

DATE: 13th FEBRUARY, 2018.

Criminal Application 854 of 2017 is preferred by the accused seeking permission to adduce additional evidence. The submission of the accused is that he is ready and willing to undergo the blood and DNA test and to accept the findings of such test, to determine whether he is the father of the child born to the prosecutrix.

2 The accused is convicted for offence punishable under section 376 and 417 of the Indian Penal Code. The prosecution version, is that the accused established sexual contact with the prosecutrix, then aged 14 years or thereabout, the prosecutrix conceived and gave birth to a girl child.

3 I do not consider it appropriate to discuss the

evidence at this stage. Suffice it to say, that in the backdrop of the evidence of the prosecutrix, in the interest of a fair decision of appeal, it would be appropriate to allow the application in terms of the prayer clause which reads thus:

“It is therefore, respectfully prayed that his Hon'ble Court may kindly be pleased to allow the application; grant the permission for DNA (Deoxyribonucleic Acid) Test to lead additional evidence for the fair disposal of appeal at appellate stage”.

4 The Police Station Officer, Police Station, Parsioni, District Nagpur is directed to ensure that the blood and DNA test be conducted within two weeks from the receipt of this order. In the event, the prosecutrix or the girl child refuse to co-operate or are unwilling to have the paternity of the girl child determined, an appropriate report may be submitted to this Court which would be considered when the appeal is taken up for further hearing.

5 List on 5.3.2018.

JUDGE