



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON: 09.07.2018
DELIVERED ON : 01.08.2018
CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C.(MD) No.272 of 2018
and
Crl.M.P.(MD)No.3762 of 2018

Vijay ... Petitioner/Accused No.1
vs.

The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District. ... Respondent/Complainant

Prayer:- Criminal Revision Petition filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973, to call for the records and set aside the order dated 20.04.2018 passed in Cr.M.P.No.1938 of 2017 in C.C.No.48 of 2017 on the file of the Judicial Magistrate, Aranthangi.

For Petitioner : Mr.K.Baalasundharam
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

Heard Mr.K.Baalasundharam, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This petition has been filed to set aside the order dated 20.04.2018 passed in Cr.M.P.No.1938 of 2017 in C.C.No.48 of 2017 on the file of the Judicial Magistrate, Aranthangi.

3.The petitioner is the first accused in C.C.No.48 of 2017 under Section 294(b), 417 and 420 of IPC. The blood samples of the petitioner, defacto complainant and their child were sent for DNA analysis test through the Court and the report was received. The petitioner filed a petition in Cr.M.P.No.1938 of 2017 before the Judicial Magistrate, Aranthangi for sending the blood samples again for another DNA analysis test. This petition was dismissed by the trial Court. Against the dismissal order of the lower Court, the petitioner has filed this petition.

4.On the side of the petitioner, it is stated that no blood sample was taken from the petitioner and the report of the DNA test is not correct. An opportunity has to be given to the petitioner to disprove the paternity and prayed to set aside the order passed by



the trial Court.

5. On the side of the respondent, it is stated that already blood samples were taken and the blood samples were sent through proper channel for expert opinion. Blood samples were taken on 25.06.2015 and the report was received on 21.11.2016. After eight months from the date of receipt of the report, the petitioner has filed this petition to drag on the proceedings and prayed to dismiss this petition.

6. Records perused. A perusal of the records reveals that the blood samples of the petitioner, the defacto complainant and their child were sent to medical examination and the blood samples were taken on 25.06.2015 and the blood samples were sent to Forensic Science Department, Chennai for DNA analysis report. The DNA report was received on 21.11.2016. It is clear that the petitioner's blood samples was sent to medical examination through the Court. The blood samples were taken before the Court. The blood samples were collected and sent for analysis through proper channel. The contention of the petitioner that the blood samples are not correctly taken is unbelievable. The first DNA test is enough and there is no necessity for another DNA test. There is no merit in the petition. This Criminal Revision Petition is dismissed. Consequently, CrI.M.P. (MD) No. 3762 of 2018 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-4)

To

1. The Judicial Magistrate, Aranthangi.

2. The Chief Judicial Magistrate,
Pudukkottai.

3. The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District.

4. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. K. Balasundaram Advocate in Sr. No. 76819.

MRN

DS/RP/SAR-4 : 13.08.2018 : 2P/6C

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CrI.R.C. (MD) No. 272 of 2018

01.08.2018