

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.12458 OF 2017

ORDER:

This petition is filed by the petitioner-A.1 under Section 482 Cr.P.C. seeking to quash the order dated 22.01.2016 passed by the learned Additional Junior Civil Judge, Bapatla in C.F.R. No.334 of 2016 in crime No.3 of 2016 of Bapatla Town police station, Guntur District registered for the offences punishable under Sections 465, 468, 471 and 420 IPC, wherein the petition filed by the prosecution to permit to conduct DNA test of petitioner-A.1 and his so called mother Immadabattina Nagendramma and two brothers Immadabattina Srinivasa Rao @ Srinivasulu and Immadabattina Ramesh, was allowed.

2. Heard the learned counsel for the petitioner, Sri Posani Venkateswarlu, the learned Public Prosecutor for the State of Andhra Pradesh representing the respondent-State, and perused the record.

3. Learned counsel for the petitioner would submit that crime No.3 of 2016 of Bapatla Town police station was registered for the offences punishable under Sections 465, 468, 471 and 420 IPC on the allegations of obtaining fake caste certificates; that conducting of DNA test would not determine the caste of the petitioner-A.1; that conducting DNA test against the will of a person would amount to self-incrimination as per the law declared by the Hon'ble Apex Court; that the trial Court mechanically ordered to conduct the DNA test without giving any reasons, and ultimately, prays to quash the impugned order.

4. On the other hand, Sri Posani Venkateswarlu, the learned Public Prosecutor for the State of Andhra

Pradesh would contend that the original name of petitioner-A.1 is 'Imadabathuni Veeranjaneyulu' and he belongs to Telaga Caste, which is a forward caste; that he changed his name as 'Katti David Raju, son of Edukondalu', obtained false scheduled caste certificate, and got employment under Scheduled Caste reservation category; that the petitioner-A.1 with the help of A.2 also obtained false scheduled caste certificates for his two children; that since the petitioner-A.1 denied his relationship with his real parents, conducting DNA test of the petitioner-A.1 and his real mother Immadabattina Nagendramma and two brothers Immadabattina Srinivasa Rao @ Srinivasulu and Immadabattina Ramesh, is essential for the purpose of investigation, and that the Court below rightly allowed the petition and there are no grounds to interfere with the impugned order, and ultimately, prayed to dismiss the Criminal Petition.

5. In view of the contentions put forth by both sides, the point for determination is whether the order of the Court below permitting to conduct DNA test is liable to be set aside?

6. Basing on a report lodged by the second respondent-defacto complainant, police registered the present case. The allegations would go to show that the petitioner-A.1 belongs to Telaga caste, changed his name as 'Katti David Raju, son of Edukondalu' and obtained fake scheduled caste certificates for him and for his children showing that they belong to Yanadi by caste (Scheduled Caste community), and he got employment under Scheduled Caste reservation category and working as Additional Assistant Engineer in A.P. GENCO (Dr. NTTPS), Ibrahimpatnam, Krishna District. According to prosecution, his real parents are Imadabathuni Venkata

Kotaiah and Nagendramma, and they belong to Telaga Caste, which is a forward caste. It is the contention of the petitioner-A.1 the said Immadabattina Nagendramma and two brothers Immadabattina Srinivasa Rao @ Srinivasulu and Immadabattina Ramesh, are not connected to him. When educational record of the petitioner-A.1 is filed substantiating the case of prosecution, and further, when there are specific and grave allegations against the petitioner-A.1 stating that he is son of Imadabathuni Venkata Kotaiah and Nagendramma and he has two living brothers viz. Immadabattina Srinivasa Rao @ Srinivasulu and Immadabattina Ramesh, to find out truth or otherwise of the submissions made by both the sides, DNA examination of the petitioner-A.1 and his so called mother Immadabattina Nagendramma and two brothers Immadabattina Srinivasa Rao @ Srinivasulu and Immadabattina Ramesh, is necessary. Ordering to conduct DNA test is not violative of any of the rights of the petitioner-A.1 including his fundamental rights. The prosecution is entitled to do so in the course of investigation. Therefore, the Court below did not err in allowing the application. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed.

Miscellaneous Petitions pending, if any, in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

04.06.2018

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