

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

CRIMINAL WRIT PETITION (WP) NO. 595 OF 2019.

(Gopal Rambhau Sonwane, Akola Vs. State of Maharashtra & Ors.)

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

Court's or Judge's orders.

Ms. D.I. Charlewar, Advocate (appointed) for the
petitioner.
Shri S.J. Kadu, APP for respondent Nos.1 to 5.

CORAM : Z.A. HAQ &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 04, 2019.

By this petition, the petitioner – a convict in Crime No.72/2015 registered with the Police Station, Dahihanda, Tah. Akot, District Akola for the offence punishable under Section 376(1) of the Indian Penal Code has prayed for issuing directions to the concerned authority to send him for D.N.A. test.

It is the grievance of the petitioner that during trial, his D.N.A. test was not conducted as per procedure. He has already filed an appeal under Section 374 of the Code of Criminal Procedure bearing Criminal Appeal No.9/2019 which is pending before this Court.

In our view, as the petitioner has already filed appeal, the petitioner should make the request, as made in this petition, in appeal.

In this view of the matter, at this stage, we are not inclined to entertain the instant Writ Petition and the same accordingly stands rejected with liberty to the petitioner to approach the appropriate forum.

Fees of the Advocate appointed to represent the petitioner be paid as per the Rules.

JUDGE

JUDGE

Sumit