

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5763 of 2019

N.Thannasi

.. Petitioner

Vs.

The State rep. By the
Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
Crime No.51 of 2018

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent to conduct a fresh DNA test on the petitioner with respect to the case in Crime No.51 of 2018 pending investigation on the file of the respondent police within a stipulated time.

For Petitioner : Mr.D.R.Arun Kumar
For Respondent : Mr.C.Raghavan,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking direction to the respondent to conduct a fresh DNA test on the petitioner with respect to the case in Crime No.51 of 2018 pending investigation on the file of the respondent police within a stipulated time.

2.The learned counsel for the petitioner submitted that the main contention of the petitioner is that there are two accused in this case, in which the petitioner alone has been roped into this crime only because of the DNA test. He further submitted that the petitioner strictly deny the DNA test report, since there are two accused and at the same time both persons were subjected to DNA test. Therefore, he suspect the result of the DNA test saying that the petitioner is the reason for the pregnancy of the victim girl. He submits that the 2nd accused is protected from the charges. Hence, he seeks to conduct a fresh DNA for both the accused persons.

4.Heard Mr.D.R.Arun Kumar, appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl.side) appearing for the respondent.

5.It is seen from records that a case has been registered as against the petitioner in Crime No.51 of 2018 for the offence under Section 376 IPC. The allegation is that the petitioner had raped the victim girl, who is of unsound mind. The victim girl got pregnant and now delivered a girl baby. Therefore ,based on the complaint by the victim's mother, the respondent registered a case and conducted a DNA test and the report confirmed that

this petitioner is the reason for her pregnancy. On the strength of the DNA test, the bail petition of the petitioner was dismissed by this Court in CrI.O.P.No.4573 of 2019 on 21.02.2019.

6.In the facts and circumstances of the case, it would not be appropriate to direct the respondent to conduct a fresh DNA test on the petitioner as well as the other accused in Crime No.51 of 2018. Accordingly, this Criminal Original Petition stands dismissed.

05.03.2019

Internet:Yes
Index:Yes/No
Speaking/Non speaking order

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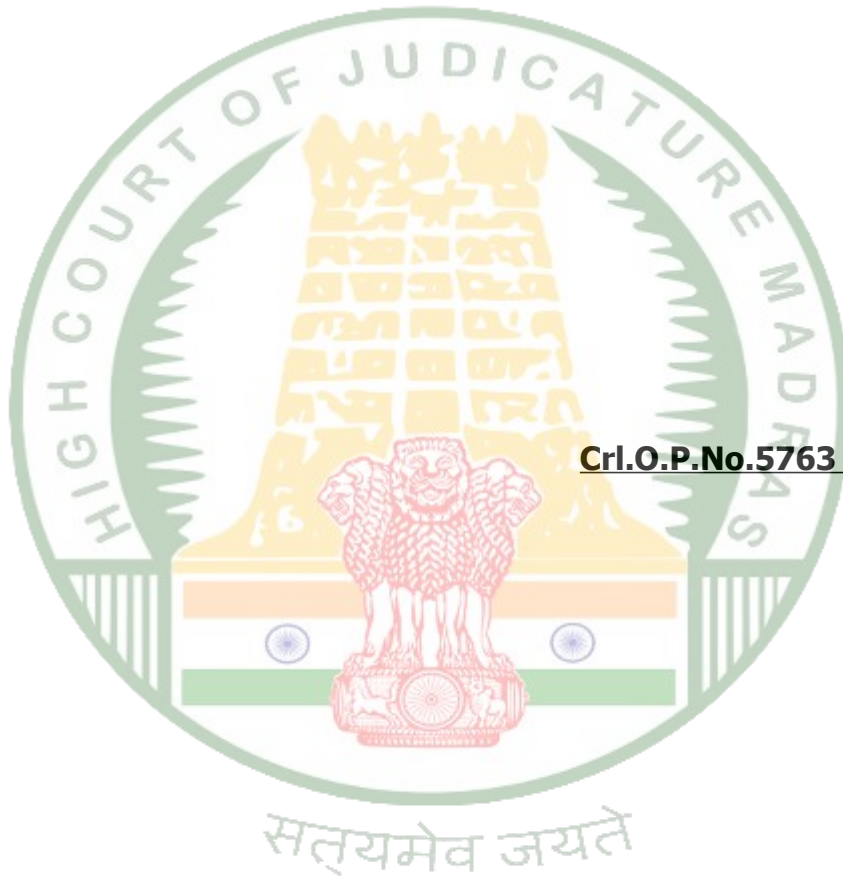
To

1.The Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
(Crime No.51 of 2018)

2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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