



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Cr1.O.P.(MD)No.10031 of 2021 and
Cr1.M.P(MD) No.5135 of 2021

Iyappan

... Petitioner/Accused

Vs.

The Inspector of Police,
Pudukkottai All Women Police Station,
Pudukkottai District.
(Cr.No.14 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to take necessary steps to conduct the DNA test to the petitioner and to file a report in Spl.S.C.No.40 of 2020, on the file of the Special District Judge(POCSO Cases) Mahila Court, Pudukkottai.

For Petitioner

: Mr.A.Purantharadhas

For Respondent

: Mr.R.M.Anbunithi,

Additional Public Prosecutor

ORDER

This petition is filed seeking a direction to the respondent herein to conduct DNA test to the petitioner and to file Final Report before the Special Court, (POCSO Cases) Mahila Court, Pudukkottai in Spl.S.C.No.40 of 2020.

2.The case of the petitioner is that he is facing charge under Section 5(1), 5(j), (ii) r/w 6 of POCSO Act and 506 (I) IPC before the Special Court (POCSO Act Cases), Pudukkottai. According to the petitioner, it is a false case and in order to prove his innocence, DNA test is compulsory. The grievance of the petitioner is that without following proper procedure, Final Report has been made filed and taken on file. Baby was also born to the victim girl. On that ground, he has filed this petition.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4.When the matter is taken up for hearing, a question was posed to the learned counsel for the petitioner that why he should not approach the trial Court for such a relief?

5.The learned Additional Public Prosecutor would submit that the case is posted to 05.08.2021 for examination of witnesses.



6.Considering the facts and circumstances of the case and taking into consideration the fact that Charge Sheet has already been filed before the trial Court, it is appropriate to direct the petitioner to approach the trial Court for appropriate remedy. There shall be a direction to the petitioner to file appropriate application before the trial Court and on filing of such application, Special Court, (POCSO Cases) Mahila Court, Pudukkottai may consider the same on merits and dispose of it in accordance with law, within 15 days thereafter.

7.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Court (POCSO Cases) Mahila Court,
Pudukkottai.
2. The Inspector of Police,
Pudukkottai All Women Police Station,
Pudukkottai District.(Cr.No.14 of 2020)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.A.PURANTHARADHAS, Advocate (SR-24111[F] dated 28/07/2021)

**Crl.O.P. (MD)No.10031 of 2021 and
Crl.M.P (MD) No.5135 of 2021
27.07.2021**

RC (03.08.2021) 2P-6C