

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

Criminal Writ Petition No. 562 of 2022

[Sonu Bajrang Gaikwad ..vs.. State of Maharashtra through its P.S.O., P.S. Ramnagar, Chandrapur
and ors.]

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

Court's or Judge's orders

Mr. A. A. Dhawas, Advocate for the petitioner
Mr. M. K. Pathan, APP for the State/respondents 1 to 3
Mr. M. P. Khajanchi, Advocate for respondent 4

**CORAM : ROHIT B. DEO AND
URMILA JOSHI-PHALKE JJ.**

DATED : 20-10-2022

The Child Welfare Committee, Chandrapur passed an order dated 2-5-2022 which *inter alia* directs the DNA profiling of the child.

2. The Child Welfare Committee further directed that in the interregnum, the child be admitted to respondent 4 – institution. The backdrop of the said order is complaint lodged by the petitioner alleging that Mr. 'P.S.' and Mrs. 'B.S.' induced her to deliver the custody of the child, and prepared false and fabricated document purporting to be adoption deed which was got notarised. We are not delving deeper in the rest of the allegations in the said complaint since we are informed at bar that Mr. 'P.S.' and Mrs. 'B.S.' have instituted civil suit seeking to establish rights as adoptive parents.

3. We have already noted that the Child Welfare Committed directed DNA profiling of the child.

4. We therefore, passed the following order on 19-9-2022.

“At the outset, Mr. Dhawas, learned counsel for the petitioner, seeks leave to add the Dean, Government Medical College and Hospital, Chandrapur and Director, Central Forensic Sciences Laboratory, Nagpur as party respondents.

2. On 02.05.2022, Child Welfare Committee, Chandrapur has passed an order directing the District Child Protection Officer, Chandrapur, to conduct DNA test of the child with the help of the Police Inspector, Police Ramnagar, Chandrapur, and to submit the report immediately.

3. The petitioner is ready to pay necessary charges for the DNA test.

4. We, accordingly, direct the District Child Protection Officer, Chandrapur and Police Inspector, Police Station, Ramnagar, Chandrapur, to conduct the DNA test, as directed vide order dated 02.05.2022. The Dean, Government Medical College and Hospital, Chandrapur and Director, Central Forensic Sciences Laboratory, Nagpur to extend full cooperation in the matter.

5. The report of the DNA test be furnished by the Regional Forensic Laboratory, Nagpur to the Dean, Government Medical College and Hospital, Chandrapur and District Child Welfare Committee, Chandrapur within two weeks from the date of taking samples of the petitioner.

6. *The petitioner shall appear before the Dean, Government Medical College and Hospital, Chandrapur, tomorrow i.e. on 20.09.2022 at 11.00 a.m.*

Authenticated copy of this order may be given to the learned A.P.P. to act upon it.”

5. The DNA profiling of the child and the petitioner has been done and the report is that the petitioner is the biological mother of the child. The DNA report is placed on record as 'Exhibit A'.

6. In this view of the matter, we dispose of the petition by requesting the Child Welfare Committee, Chandrapur to take an appropriate decision, consistent with the DNA profiling report and of course keeping in mind the interest and welfare of the child, within the next three working days. In the interregnum, the petitioner shall be entitled to interact with the child subject to the administrative convenience of the institution.

7. The petition is disposed of in the aforestated terms.

(Urmila Joshi-Phalke, J.)

(Rohit B. Deo, J.)