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11-07-2024
Ct. No.34
b.das

CRR No. 4350 of 2023

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CRAN 1 of 2024

In the matter of : Nargis Bano. petitioner.

Mr. Satadru Lahiri
Mr. Safdar Azam
Syed Wasim Faruque
Mr. J. Talukder ...for the petitioner.

Mr. Debasish Roy
Ms. Rajnandini Das ...for the State.

Mr. Shibaji Kumar Das ...for opposite party no.4.

Affidavit of service filed by the petitioner is taken on record.

None appears for the 2nd and 3rd opposite parties despite service.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner gave birth to a girl child on 10th July, 2023 and on 12th July, 2023, she notice that the tag attached to the baby did not match with her name since the tag mentioned "B/O Baishakhi Guin". Blood group of the baby was shown to be AB⁺ on 10th July, 2023 and B⁺ on 19th July, 2023 which raised suspicion in the mind of

petitioner that her baby was exchanged with some other baby.

The petitioner lodged complaint in this regard before the Durgapur Police Station which was registered as GR Case No.1510 of 2023. The investigating officer filed an application before the learned Trial Court for holding DNA test of the baby, mother/the complainant and the father, which was turned down by the learned Court by an order passed on 11th September, 2023 with an observation that the petition was filed after a delay of almost one month and 7 days and no other patient of the hospital raised an allegation that her baby was changed.

It appears from the Case Diary that with regard to this issue an internal Committee of the hospital opined that confirmatory DNA test may be done if needed. The investigating officer made a prayer for DNA test before the learned Trial Court on the anvil of such observation made on 10th August, 2023 by the internal Committee.

Since the petitioner who is the mother of the child, the investigating officer as well as the hospital authority suggest a DNA test to be performed in order to ascertain the parent hood of the child, there is no reason why the same should not be allowed.

It is needless to mention that the DNA test is an accepted scientific method to ascertain parent hood of a child and the same may be invoked in the present case for

the purpose of proper and effective adjudication of the case.

In view of the above, the revisional application being CRR 4350 of 2023 is allowed. The order passed by the learned Additional Chief Judicial Magistrate, Durgapur on 11th September, 2023 is set aside.

The investigating officer is permitted to take necessary steps for holding DNA test of the petitioner, her husband and the child at the earliest, in accordance with law.

Accordingly, CRAN 1 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)