

CRR 1582 of 2022

Sk. Abdul Jalil
Vs.
Jyostanara Bibi & Anr.

Mr. Prabir Chatterjee
Ms. Adrita Chatterjeefor the Petitioner

Affidavit of service filed by the petitioner is taken on record.
Opposite parties are not represented.

Being aggrieved and dissatisfied with the order dated 1st March, 2022 passed by the court below, the petitioner has preferred the present application. By the order impugned, learned court below has rejected the petitioner's application for DNA test of his two daughters.

The petitioner by pointing out one affidavit allegedly sworn by Jyostanara Bibi, contended that the said Jyostanara Bibi has admitted her adulterous relationship with one of her neighbour and as such, the DNA test of the two daughters allegedly borne out of their wedlock, is very much required to determine the paternity of the said two daughters. However, learned Trial court by the impugned order, rejected the said prayer.

On perusal of the materials available in the record, it appears that the present complaint being CRR 85 of 2017 has been lodged alleging commission of offence punishable under Section 323/524/506 of the Indian Penal Code.

Learned Trial court, while adjudicating the said application came to the conclusion:-

“there is no scope to allow the instant petition for DNA test in view of the fact that the same shall not help the court in any way to decide the facts in issue of the present case, rather the same is quite irrelevant and shall drag the case only for a protracted period or inordinate delay and with expenses”.

Having considered the facts and circumstances of the case and the nature of allegation involved in the present proceeding, I find that the court below was justified in rejecting the petitioner’s application for DNA test which does not call for interference by this court.

In such view of the matter, the revisional application being CRR 1582 of 2022 is hereby dismissed.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)