

Crl.O.P.No.22953 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 19.08.2025

Coram:

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.22953 of 2025 &
Crl.M.P.No.15683 of 2025

Vijayakumar

...Petitioner

Vs.

State rep. By
The Inspector of Police,
All Women Police Station
Vandavasi, Thiruvannamalai District
Cr.No.6 of 2021
Prayer:

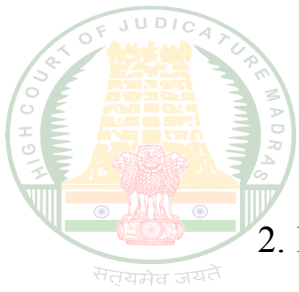
...Respondent

Criminal Original Petition filed under Section 528 of BNSS Act, 2023 to set aside the order dated 25.06.2025 passed in Crl.M.P.No.575 of 2025 in Spl.S.C.No.20 of 2022 on the file of the Special Court for Exclusive of Trial cases under POCSO Act, Tiruvannamalai.

For Petitioner	: Mr.S.Dinesh Babu
For Respondent	: Mr.R.Vinothraja Government Advocate (Crl.Side)

ORDER

Challenging the order of the trial court allowing the prosecution to examine Scientific Officer as additional prosecution witness to prove the DNA report, the present petition has been filed.



2. Heard the learned counsel appearing for the petitioner and the learned

Government Advocate (Crl.Side) appearing for the respondent and perused the documents placed on record.

3. The petitioner is charged for the alleged offences under Sections 376(2)(n) and 506(ii) of IPC and Section 6 of the POCSO Act. The trial has been admittedly over, however, during the investigation, DNA profiling has been done and report was also received by the court below. The prosecution has marked the DNA report through Investigation Officer, which has been objected by the accused, thereafter, the prosecution has filed an application under Section 311 of Cr.P.C., to examine the Doctor, who has done the DNA profiling and the said application has been allowed. Aggrieved against the same, the present petition has been filed on the ground that the prosecution only in order to fill the lacuna in the case, such application has been filed, therefore, the same has to be set aside.

4. In such view of the matter, this Court is of the view that it is not the case that the prosecution is introducing any new facts. Further, the evidence was already collected during the investigation and DNA profiling has been done during the investigation and report is also available. The only mistake committed by the prosecution is that the DNA report was marked as document through investigation officer instead of expert who done the DNA profiling.



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Now the DNA expert sought to be examined by the prosecution, therefore, that

aspect cannot be construed as evidence to fill up lacuna.

In such view of the matter, the present petition lacks merit and the same is dismissed. Consequently, connected miscellaneous petition is closed.

19.08.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1. The Special Court for Exclusive of Trial cases under POCSO Act,
Tiruvannamalai.

2. State rep. By
The Inspector of Police,
All Women Police Station
Vandavasi, Thiruvannamalai District

3. The Public Prosecutor,
High court, Madras



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N.SATHISH KUMAR, J.

ssd

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