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SLP(Crl.)No. 235 OF 2003
ITEM No.36

Court No. 8

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 235/2003

(From the judgement and order dated 14/11/2002 in CRLMC 7482/01
of The HIGH COURT OF KERALA AT ERNAKULAM)

V. MUSTAFA

Petitioner (s)

VERSUS

MUNDAKKODAN NAFEESA & ANR.
(With Appln(s). for stay)

Respondent (s)

Date : 21/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Roy Abraham, Adv.
Ms.Seema Jain, adv.

Mr.Himinder Lal,Adv.

For Respondent (s)

Mr. K.R. Sasiprabhu,Adv.

Ms. Bina Madhavan, Adv.
Mr. S.Udaya Kumar Sagar, Adv.
Mr. Prasanth P., Adv. for
M/s. Lawyer's Knit & Co.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal is dismissed in terms of the signed order.

Anita

(Jasbir Singh)
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 872 of 2003
(Arising out of S.L.P. (Criminal) No. 235 of 2003)

V.Mustafa

... Appellant (s)

Versus

Mundakkodan Nafeesa & Another

... Respondent (s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

This appeal is filed against an order dated 14th November, 2002

of the High Court of Kerala.

Briefly stated the facts are as follows:-

The respondent-wife filed an application for maintenance of her two children under Section 125 of the Criminal Procedure Code. As the paternity of the children was denied, she moved an application that D.N.A. Test, of the appellant (herein), be taken. In that application an order dated 29th August, 2001 came to be passed by consent of parties. The appellant (herein) agreed to undergo the test. Even though he had agreed, he then filed a petition in the High Court challenging the order dated 29th August, 2001. The appeal has been dismissed by the impugned order on the ground that he had given consent.

For the same reason, we see no reason to interfere. The appeal stands dismissed. No order as to costs.

.....J.

(S.N.Variava)

.....J.

(H.K.Sema)

New Delhi,
July 21, 2003.