

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2554/2013

(From the judgement and order dated 28/01/2013 in AN No.41036/2012, of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

BAUWA & ANR. Petitioner(s)

VERSUS

STATE OF U.P. & ANR. Respondent(s)

(With appln(s) for exemption from filing O.T.)

Date: 08/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. V.K. Shukla, Adv.
Mr. A.K. Tripathi, Adv.
Mr. Varinder Kumar Sharma, Adv.

For Respondent(s)

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

The special leave petition is dismissed in terms of the signed order.

(NAVEEN KUMAR) (SNEH BALA MEHRA)
COURT MASTER COURT MASTER
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Special Leave to Appeal (Crl) No(s).2554/2013

BAUWA & ANR. Petitioners

VERSUS

STATE OF U.P. & ANR. Respondents

O R D E R

Heard learned counsel for the petitioners. We find no infirmity in the impugned order of the High Court which has upheld the rejection of the Petitioners application for DNA test of the

accused for matching the DNA as to whether the conception of the child in the womb of the victim is a consequence of the rape or not. The High Court appears to be perfectly correct in recording that the question as to who has fathered the child is wholly irrelevant for establishment of the charge under Section 376 I.P.C. or for putting up effective defence.

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The petitioners, in our view, are not prejudiced in any manner by rejection of the application for DNA test.

Hence, the special leave petition is dismissed.

.....J.
(GYAN SUDHA MISRA)

.....J.
(J. CHELAMESWAR)

NEW DELHI
APRIL 08, 2013