

(2020) 07 MP CK 0098

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 20569 Of 2020

Shivraj Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-07-2020

Acts Referred:

Protection Of Children From Sexual Offences (POCSO) Act, 2012 — Section 5G, 6
Indian Penal Code, 1860 — Section 344, 363, 366, 376D
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2020) 07 MP CK 0098

Hon'ble Judges : G. S. Ahluwalia, J

Bench : Single Bench

Advocate : Ashish Jadon, Vijay Sundaram

Final Decision : Disposed Of

Judgement

Heard finally through Video Conferencing.

Case diary is available.

This application under Section 439 of Cr.P.C. has been filed for grant of bail.

The applicant has been arrested on 09/12/2017 in connection with Crime No.205/2017 registered at Police Station Raghogarh, District Guna for offence under Sections 363, 366, 376-D and 344 of IPC and Sections 5-G/6 of the POCSO Act.

It is submitted by the counsel for the applicant that by order dated 11/12/2019, the case was fixed for final arguments and accordingly, on 11/01/2020,

final arguments were heard and the case was fixed for 20/01/2020 for delivery of the judgment. However, on 20/01/2020, the Trial Court adjourned

the matter and requisitioned the D.N.A report. It is submitted that thereafter, the case is being adjourned and the DNA test report had not been

produced so far and the applicant in jail from 09/12/2017.

Per contra, the application is opposed by the counsel for the State. By referring to the order-sheets dated 20/01/2020, 04/02/2020, 26/02/2020,

20/03/2020, 19/05/2020 and 02/06/2020, it is submitted by the counsel for the applicant that there is no endorsement on the order-sheets to show that

the letter for production of DNA test report was ever issued by the Trial Court. However, the Counsel for the State undertakes to produce the DNA

test report positively within a period of two months from today.

Considered the submissions made by the counsel for the parties.

Without entering into the controversy as to whether a letter for requisition of DNA test report was ever issued from the Trial Court or not, it is

directed that in case, if the letter has not been issued so far, then the Trial Court shall immediately issue the letter on receipt of copy of this order

without waiting for the regular date and the prosecution is directed to produce the DNA test report within a period of two months from today. It is

submitted by the counsel for the applicant that the memo for DNA test was sent about two and half Years back. Accordingly, concerning Lab is

directed that in case, if the DNA test has not been conducted so far, then it shall be conducted without any further delay without for its turn.

Concerning Lab is further directed to hand over the DNA test report to the Investigating Officer within a period of one and half months from today,

which shall be immediately produced by the Investigating Officer before the Trial Court.

The Trial Court is directed to conclude the hearing by 07/09/2020 and the judgment shall be delivered by the end of September, 2020.

With the aforesaid direction, this application is finally disposed of.

The Registry is directed to immediately send a copy of this order by e-mail to the Trial Court as well as the Superintendent of Police, Guna for the

necessary information and compliance.

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