

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL REVISION CASE No.524 OF 2026

DATE : 08.07.2026

Between :

Haseeb Ullah Khan

... Petitioner/Respondent/A.2

And

The State of Telangana,
Through Public Prosecutor,
High Court of Telangana, Hyderabad

... Complainant/Respondent

: ORDER :

This Criminal Revision Case is filed by the petitioner/A.2 aggrieved by the order dated 30.04.2026 passed in CrI.M.P.No.1308 of 2026 in CrI.M.P.No.4524 of 2026 in SC.PCS.No.463 of 2025 in Cr.No.129 of 2025 of Begum Bazar Police Station, Hyderabad, by the Special Judge for Trial of Cases under Protection of Children from Sexual Offences (POCSO)-cum-XII Additional Sessions Judge, Hyderabad.

2. CrI.M.P. No.1308 of 2026 was filed by the prosecution seeking cancellation of the bail granted to the revision petitioner on the ground that he was not cooperating with the investigation. It was contended that, despite being served with a notice by the Investigating Officer to undergo a DNA test, the revision petitioner failed to comply and instead submitted a reply stating that such a test would violate his fundamental rights. Upon considering the submissions of both parties and the material available on record, the trial Court allowed the petition and cancelled the bail granted to the revision petitioner.

3. Heard Sri Mohd.Ashraf Ali, learned counsel appearing for the revision petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the revision petitioner is that the trial Court erroneously cancelled bail of the petitioner. As per Article 20(3) of the Constitution of India, accused cannot give evidence against himself, but the trial Court cancelled the bail for the purpose of DNA test. In support of his contention, learned counsel relied on the judgment of the Hon'ble Supreme Court in **Selvi & Others V State of**

Karnataka¹ and **R.Rajendran V Kumar Nisha**², wherein it is observed that DNA test infringes the fundamental right and dignity and prayed to set aside the impugned order.

5. On the other hand, the learned Additional Public Prosecutor contended that the impugned order passed by the trial Court does not suffer from any illegality or irregularity warranting interference by this Court. He contended that, despite being served with a notice by the Investigating Officer to undergo a DNA test, the revision petitioner failed to comply with the same and deliberately refused to cooperate with the investigation. In such circumstances, the trial Court was justified in cancelling the bail granted to the petitioner. Hence, prayed this Court to dismiss this revision case.

6. Upon considering the rival submissions and the material available on record, it is an admitted fact that the petitioner was served with a notice by the Investigating Officer directing him to undergo a DNA test. However, the petitioner refused to comply with the said notice and submitted a reply stating that such a direction infringes his fundamental rights.

¹ 2010(2) ALD CrI.401(SC)

² 2026(1) ALD CrI.484 (SC)

7. Section 51 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 53-A of the Code of Criminal Procedure) provides that, in cases involving sexual offences, the medical examination of an accused may include collection of blood, blood stains, semen, swabs, sputum, sweat, hair samples, fingernail clippings, and other necessary tests, including DNA profiling, if the registered medical practitioner considers the same necessary. Thus, the Investigating Officer is empowered to request such examination, and it is for the registered medical practitioner to decide whether DNA profiling is necessary in the facts of the case.

8. In the present case, the petitioner is facing allegations under Section 3 read with Section 4 of the POCSO Act and Section 65 of the BNS, which are offences relating to sexual assault. Therefore, the request made by the Investigating Officer for the petitioner to undergo a DNA test is in accordance with law. The reliance placed by the petitioner on **Selvi and others v. State of Karnataka** is misplaced, as the said decision deals with involuntary scientific techniques such as narco-analysis, polygraph examination and brain-mapping, and not with DNA profiling under Section 51 of the BNSS.

9. The petitioner has also relied upon the decision in **R. Rajendran v. Kamar Nisha and others**, wherein in Paragraph 59 of the said judgment it is held as under :

"59. In summation, the direction for DNA testing, as affirmed by the Division Bench, rests upon the fundamental misapprehension of both statutory framework and constitutional safeguards. The offences alleged, falling under Sections 417 and 420 of the Indian Penal Code, 1860 and Section 4(1) of the Tamil Nadu Women Harassment Act, are neither of nature nor of a circumstance that warrant recourse to DNA analysis. The High Court's invocation of Sections 53 and 53-A of the Code of Criminal Procedure, 1973, rests on a misconstruction of their contextual ambit; these provisions contemplate medical examination only where such an examination may directly yield evidence relating to commission of the alleged offence. Absent that nexus, compulsion of a DNA test transforms a lawful investigative power into an intrusive measure devoid of necessity, trenching upon the individual's bodily autonomy and privacy. Scientific procedures, however advanced, cannot be employed as instruments of speculation; they must be anchored in demonstrable relevance to the charge and justified by compelling investigative need."

10. The aforesaid judgment arose out of a dispute relating to paternity and offences under Sections 417 and 420 of the Indian Penal Code, where DNA testing had no direct nexus with the offences alleged. The facts of the present case are entirely different. Here, the allegations relate to sexual offences under the POCSO Act and the BNS, for which DNA profiling is a recognised investigative tool specifically contemplated under Section 51 of the BNSS. Therefore, the said judgment has no

application to the facts of the present case. Since the petitioner refused to undergo the DNA test and failed to cooperate with the investigation, the trial Court is justified in cancelling the bail granted to him. This Court finds no illegality or infirmity in the impugned order warranting interference by this Court, as such, the Criminal Revision Case is liable to be dismissed.

11. Accordingly, the Criminal Revision Case is dismissed. The petitioner is directed to cooperate with the Investigating Officer and undergo the DNA test as and when required for the purpose of investigation, in accordance with law.

Miscellaneous petitions, if any, pending shall stand closed.

Date : 08.07.2026
Rds

K. SUJANA, J