

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1612 OF 2015

Dr. Anil S/o Omprakash Bhutada,
Age : 40 Years, Occu. : Medical Practice,
R/o Reddy Hospital, Ambajogai,
Tq. Ambajogai, Dist. Beed. .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Health Department, Mantralaya,
Mumbai - 32.
2. Civil Surgeon Beed,
District Beed. .. Respondents

Shri R. R. Mantri, Advocate for the Petitioner.
Shri Rahul B. Bagal, A.P.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA
V. K. JADHAV, JJ.**

DATE : 18TH DECEMBER, 2015.

PER COURT :

. It is submitted that, when initially the complaint was filed by the Appropriate Authority under the Pre-Conception and Pre-Natal Diagnostic Techniques Act (for short "P.C.P.N.D.T. Act") the present petitioner was not made an accused. It is only the Appropriate Authority who can file the complaint and take action under the P.C.P.N.D.T. Act. The learned counsel submits that,

however, the learned Judicial Magistrate First Class subsequently sue motu issued show cause notice to the petitioner on the ground that there is a referral letter by the petitioner. The said show cause notice was issued purportedly considering the evidence before the charge.

2. It appears that, the petitioner had not filed say to the said show cause notice and the learned J. M. F. C. directed vide order dated 18.03.2014 to add the present petitioner as accused.

3. The present petitioner filed a revision bearing Criminal Revision No. 28 of 2014 before the Sessions Judge, Ambejogai, against the said order.

4. Mr. Mantri, the learned counsel submits that the said Revision is pending since April, 2014. The same is not been decided by the Sessions Judge. However, the learned J. M. F. C. is proceeding further with the matter. For more than 1½ years the said revision is pending and no orders are passed on the said Revision.

5. We have heard the learned Assistant Public Prosecutor also.

6. Accepting the statement made by Mr. Mantri, the learned counsel that, Criminal Revision No. 28 of 2014 is pending since

April, 2014 and the said Revision is not decided, nor any orders are passed in the said revision, it would be appropriate to direct the revisional Court to decide the said revision expeditiously.

7. In the result we pass the following order.

8. The Sessions Judge, Ambajogai shall decide the Criminal Revision No. 28 of 2014 expeditiously and preferably by end of February, 2016. Till the said revision is decided by the Sessions Judge, Ambajogai, the Judicial Magistrate First Class, Ambajogai shall not proceed further as against the present petitioner in R. C. C. No. 222 of 2012. As the directions are given to the Sessions Judge to decide the Criminal Revision No. 28 of 2014 challenging the order dated 18.03.2014 passed by the J. M. F. C., Ambajogai in R. C. C. No. 222 of 2012 and order below Exh. 26 passed on 10.02.2014, we have not considered the merits of the order dated 15.12.2015. In case, if the occasion so arises the petitioner may assail the same in separate proceedings.

09. The parties to act on authenticated copy.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]