

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 110 OF 2015
IN
CRI. REVISION APPLICATION (st.) NO. 107 OF 2015**

Dr. Gulabrao Manikrao Patil

... Applicant.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. M.S. Mohite, Advocate for the Applicant.

Mr. Rajesh More, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 30th MARCH, 2015

P.C. :

1 Heard the learned counsel for the Applicant and the learned APP for the State.

2 This criminal application is filed for suspension of conviction of the applicant, who has been convicted by the learned Magistrate for the offence punishable under section 23 of the Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, for violation of certain provisions of the Act and the Rules thereunder. The conviction of the applicant has been maintained by the appellate court and the sentence has been reduced to one day till rising of the

court. The revision application of applicant has been admitted by this court and record and proceedings have been called.

3 By the present application, the applicant wants conviction to be suspended because the Medical Council has suspended his license for a period of five years. It is submitted that the learned counsel Mr. Mohite for the applicant that suspension of sentence will not assist the applicant in resuming his practice. It is further submitted that the applicant is the only post graduate doctor who is practising in rural area like Barshi. In this regard, it may be noted here that the licence/registration of the applicant has been suspended by the Medical Council on the basis of the conviction recorded by the Magistrate. The revision application will take sufficiently long time, as old matters are pending before this court. In the circumstances, preventing the applicant from engaging himself in his profession will not be just and proper action on the part of the Medical Council of India.

4 Though normally the courts do not suspend the conviction, there is no bar in suspending the conviction if a good case is made out. In the present case, I am of the view that the applicant has been able to make out a case for suspension of his conviction.

5 Hence, I pass the following order.

- i. The conviction of the applicant recorded by the learned Magistrate in a criminal case no. 173 of 2007 and confirmed by the Additional Sessions Judge in Criminal Appeal No. 38 of 2014 is suspended until further orders of this court.

6 Criminal application stands disposed of in the above terms.

(JUDGE)

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