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

CRIMINAL WRIT PETITION NO. 1200 OF 2014

Sujit s/o Ramesh Paul,
Age: 42 years, Occu: Naturopathy Practitioner,
R/o Amalner, Tq. Patoda,
Dist. Beed

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Police Station, Amalner,
Dist. Beed
2. The Taluka Health Officer,
Tq. Patoda, Dist. Beed
Dr. Ganesh Shrihari Lokhande,
Age: 32 years, Occu: Service,
R/o. Taluka Health Office, Patoda,
Tq. Patoda, Dist. Beed

..RESPONDENTS

Mr S. J. Salunke, Advocate for petitioner;
Ms R. P. Gaur, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 22nd April, 2016

ORAL ORDER :

Pursuant to the complaint dated 7th January, 2012, lodged by Dr. Lokhande, Taluka Health Officer for on behalf of the State Government, Crime No. 1 of 2012 for offence punishable under Section 33 of the Maharashtra Medical Practitioners Act, 1961, came to be registered against petitioner.

2. The petitioner moved an application pursuant to the provisions of Section 239 of the Code of Criminal seeking discharge, which was rejected by the learned Judicial Magistrate First Class, Patoda by an order dated 22nd July, 2013, which was further confirmed by the learned Sessions

(2)

Judge, Beed in Criminal Revision bearing No. 105 of 2013, by an order dated 6th August, 2014. As such present petition.

3. While trying to make out a case for discharge, Mr Salunke, learned Counsel appearing on behalf of petitioner invited my attention to the Judgment of this Court in the matter of **Harichand @ Harishchandra Ananta Roy Vs. State of Maharashtra & anr.** reported in **2012 (4) Bom.C.R. (Cri.) 86** and would urge that the applicant cannot be proceeded, in view of his qualification. It is then claimed by Mr Salunke that there are no restrictions under the provisions of Maharashtra Medical Practitioners Act, 1961, for practising naturopathy.

4. The claim is opposed by learned Additional Public Prosecutor.

5. It is then required to be noted that the learned Court below, having regard to the declarations and observations made by this Court in the judgment of **Harichand @ Harishchandra Ananta Roy Harichand @ Harishchandra Ananta Roy** (cited supra), was pleased to reject the application. Furthermore, the revisional Court was alive of the qualification of the present petitioner and the provisions of sub-section (2) of Section 2 of the Maharashtra Medical Practitioners Act, 1961 in question.

6. In the above background, in my opinion, no case for interference in extra-ordinary jurisdiction is made out. Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)