

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 77 OF 2016

The State of Maharashtra Vs. Dr. Hemant Gajanan Deodhar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Ms. P.P. Bhosale, APP for Applicant-State.

CORAM : A.S. GADKARI, J.

DATE : 10th June 2016.

P.C.:

Heard the learned APP for Applicant-State.

2 This is an application for leave to appeal under Section 378(c) of the Cr. P.C. against the impugned Judgment and Order dated 19.12.2015 passed by the learned Additional Sessions Judge, Khed, District-Ratnagiri in Criminal Appeal No.19 of 2013.

3 The respondent was an accused in RCC No.96 of 2011 before the Court of Judicial Magistrate First Class, Chiplun and was prosecuted for offences as contemplated and punishable under Rule 17(2) punishable under Section 23 of the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 and Provisions of

Rule 9 of Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996, Section 29 punishable under Section 23 of the said Act.

4 The respondent was convicted by the learned Judicial Magistrate First Class by its Judgment and Order Dated 10.4.2013 in the said case and was sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.5000/-, in default of payment of fine to further undergo simple imprisonment for two months. In an appeal bearing No.19 of 2013 preferred by the respondent against the said Judgment and Order of conviction and sentence, the learned Additional Sessions Judge, Khed, District-Ratnagiri by its Judgment and Order dated 19.12.2015 was pleased to allow the said appeal and set aside the Judgment and Order of conviction passed by the Trial Court acquitting the respondent from all the charges framed against him.

5 The present application for leave to appeal is filed against the said differing Judgment and Orders of both Courts below. It prima facie appears that there is substance in the submission made by the learned APP.

Hence, leave granted.

6 Application is accordingly disposed off.

(A.S. GADKARI, J.)