

*sbw***IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL REVISION APPLICATION NO.224 OF 2016**

Dr. Sandip Madhukar Patil

... Applicant

vs.

The State of Maharashtra

... Respondent

Mr. P. B. Patil for the Applicant.

Ms. M. R. Tidke, APP, for the Respondent-State.

CORAM : A.K. MENON, J.**DATE : 1st AUGUST, 2017****P.C.**

1. This is an application which calls into question an order dated 15th February, 2016 rejecting an application for discharge passed by the Sessions Court against the applicant-accused of offence under Sections 312, 315 read with Section 34 of the Indian Penal Code. The applicant is a Doctor and is running a hospital in Chembur. The co-accused is stated to have been admitted to the hospital for carrying out the abortion since she was an unmarried girl. She was admitted to the hospital for urgent sonography on the complaint of abdominal pain. It was found later by the Investigating Officer that the consent form was missing alongwith the admission form and that somebody had removed it from the investigation file.
2. It is the case of the applicant that he has not carried out any abortion. The

evidence by way of blood report examination issued by the Forensic Science Laboratory indicates that the blood samples will not show the presence of Misoprostol. This according to the learned counsel for the applicant is because the applicant had not administer the said medicine to the co-accused. The learned counsel for the applicant has also invited my attention to the FIR which alleges that the applicant has administered medicine manufactured by Mankind Pharma Limited. He also invited my attention to inquiry made by the Investigating Officer with M/s. Mankind Pharma Limited as to whether the drug known as Prestakind containing Misoprostol during which induces abortion. The report received by the Investigating Officer on 18th November, 2003 states that Misoprostol cannot cause abortion taken alone however, it may cause first trimester of abortion if it is taken with Mifepristone. He therefore submits that there is sufficient evidence to show that he was not involved in administering any of the abortion induces drugs.

3. The application is opposed by the learned APP who submits that statements of the attended nurses at the hospital viz. Leena Pawar and Pooja Sawant on 13th October, 2010 both admitted of their having prescribed the medicine Misoprostol tablets on the directions of the applicant. The impugned order also record the fact that the tablets were said to have given to the co-accused who was stated to be 18 weeks pregnant. Whether or not Mifepristone was administered along with Misoprostol is a matter of

evidence. Considering the facts, I do not find any perversity or error which calls for interference. Accordingly I pass the following order:-

- (i) Application is dismissed.
- (ii) No orders as to costs.
- (iii) Needless to mention, the trial Court will proceed with trial on its own merits without being influenced by any of the observation in this order.

(A. K. MENON, J.)