

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.681 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.485 OF 2016

Dr.Londhe Umesh Jagannath ... **Applicant**

V/s.

Appropriate Authority and Medical & Ors. ... **Respondents**

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Mr.Niranjan Mundargi, Advocate for the Applicant in APPR/681/2016 and for the Respondent in REVN/485/2016.

Mr.Uday P. Warunjikar, Advocate for the Respondents in APPR/681/2016 and for the Applicants in REVN/485/2016 .

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CORAM : A.M.BADAR J.

DATED : 28th FEBRUARY 2017.

P.C. :

1 This is an application by original accused for returning of experience certificate regarding MTP issued by Navaroji Wadia Maternity Hospital, CCTV recording Machine, Mobile Phone and MTP register.

2 Heard both sides.

3 The learned Advocate appearing for the appropriate authority and Medical Officer of Health, Thane has strenuously

urged that the application deserves to be rejected outright as the offence alleged against the applicant/accused is serious and it has held to be proved by at least one Court.

4 I have considered the rival submissions and perused the Judgment of the learned trial Court recording conviction, as well as, the Judgment of the appellate Court acquitting the present appellant/accused of the offence alleged against him and punishable under various sections of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. Similarly, I have also perused the order dated 26/08/2016 passed by this Court.

5 On 26/08/2016, this Court has recorded statement of the learned Advocate for the applicant/accused that he will not make an application for return of Sonography Machine and he shall not claim CCTV Recording Machine. Hence, the applicant/accused is not entitle for CCTV Recording Machine etc.

6 As the applicant/accused has been acquitted of all offences by the Court below on deciding his appeal challenging the Judgment of the learned trial Court, the applicant/accused is certainly entitled for the return of Experience Certificate regarding MTP issued by Navaroji Wadia Maternity Hospital, so also the seized mobile phone and MTP register.

7 The application is allowed to that effect and the same has been disposed of.

8 The parties are permitted to act upon the authenticated copy of this order.

(A.M.BADAR J.)