

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APPA] NO.186 OF 2016

[State of Maharashtra .vs. Christ Hospital, Chandrapur]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : APRIL 05, 2017.

Heard Shri M.I. Dhatrak, learned counsel for applicant and Shri A.D. Hazare, learned counsel for respondent.

By this application under Section 378 of the Code of Criminal Procedure, applicant is seeking leave to file an appeal against the judgment and order dated 5.1.2016 passed by the Chief Judicial Magistrate, Chandrapur in Regular Criminal Case No.273/2012. By the said judgment and order, accused has been acquitted of the offences under sections 3(1), 19(3) r/w Rule 8(1) and Section 2(3)(5) r/w Rule 9(4) punishable under sections 23 and 26 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

With the assistance of the learned counsel for the parties, this court has gone through the material placed on record. On going through the certificate of registration dated 16.4.2007, order issued by the Commissioner, Chandrapur City Municipal Corporation dated 11.6.2012, alleged violations of the provisions of PCPNDT Act and Rules

framed thereunder and issue of locus of complainant to file complaint involved, this court finds that applicant has an arguable case.

Hence, Criminal Application is allowed. Leave to file appeal is granted.

CRIMINAL APPEAL NO. _____ OF 2017

Heard.

Admit.

Call R & P.

Learned counsel Shri Hazare waives service of notice for the respondent.

JUDGE