

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.13563 of 2017
Date of Decision: 21.04.2017

Dr. Rajesh Goyal

..... Petitioner

Versus

Dr. Kuldeep Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arihant Jain, Advocate
 for the petitioner.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C., the petitioner seeks setting aside of the order 27.02.2017 passed by the SDJM, Moonak vide which the application dated 23.01.2017 for spot inspection of Ultrasound machine has been dismissed in complaint case No.19/06.08.2015 titled as “Dr. Kuldeep Singh Vs. Dr. Rajesh Goyal”.

The petitioner is facing trial in pursuance to a complaint filed against him under Section 23 of the Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act, 1994, in the course of which the petitioner had filed an application dated 23.01.2017 (Annexure P-6) seeking issuance of appropriate directions by the trial Court for spot inspection of the Ultrasound machine. Such application had been filed for the reason that in the course of inspection done by the complainant which led to the filing of the above complaint, the machine had been sealed and was lying in the premises of the petitioner. The application was rejected through the impugned order dated 27.02.2017 (Annexure P-7), the operative part of which reads as under:

**“The present complaint is at the stage of
complainant evidence and at this stage accused**

**has no right to create defence and he can lead
defence evidence at the appropriate stage.**
***Moreover, the earlier application of the accused
on the same grounds has already been dismissed
vide order dated 12.05.2016.” (emphasis supplied)***

In view of the afore-quoted observation in the impugned order, wherein liberty has been granted to the petitioner to lead defence evidence at the appropriate stage, learned counsel for the petitioner does not press the present petition.

Disposed of.

(DEEPAK SIBAL)
JUDGE

April 21, 2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No