

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22449 of 2016

Arising Out of PS. Case No.-792 Year-2013 Thana- COMPLAINT CASE District- Jamui

Manoj Kumar son of Raghunandan Mahto, Resident at and P.O.- Aliganj Bazar, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Chandeshwar Chaudhuri, Son of Gyana Choudhari, Civil Surgeon- C.M.O., Jamui, Sadar Hospital Campus, Jamui at P.O. + District- Jamui. Permanent address- Gate No. 5, Army Camp, Chandauti, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad
For the Opposite Party/s : Mr. Anant Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-08-2018 Heard learned counsel for the petitioner and the State.

This petition under Section 482 Cr. P.C. has been filed for quashing the order dated 5.11.2014 passed by JM 1st Class Jamui in complaint case no. 792 (c) of 2013 by which the learned Magistrate has taken cognizance against the petitioner for the offence under Sections 22, 23, 24, 25, 28, 29 and 30(1) of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.

It is alleged in the complaint filed by the Civil Surgeon-cum CMO, Jamui Sadar Hospital that during inspection which was held on 7.5.2013 various irregularities were found in the Ultrasound Clinic of the petitioner which is



mentioned in detail in the inspection report. A show cause was called for and reply was not being satisfactory leading to cancellation of the registration by order dated 14.5.2013. But still on 01.06.2013 investigation team again visited the Ultrasound clinic of the petitioner to verify and confirm the compliance with the provisions of this Act. On verification, it was found that various equipments installed in the Ultrasound clinic of the petitioner was in violation of the provisions of the Act.

The learned Court below on the basis of the S.A. of the complainant and the allegation in the complaint has found *prima facie* case for the offence under Sections 22, 23, 24, 25, 28, 29 and 30(1) of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. The learned Magistrate is only required to see *prima facie* case at the time of enquiry.

This Court does not find any illegality in the order dated 5.11.2014 passed by JM 1st Class Jamui in complaint case no. 792 (c) of 2013 . It is, accordingly, dismissed.

The learned Court below is directed to expedite the trial and make effort to conclude the same expeditiously preferably within nine months from the date of



receipt/production of copy of this order.

(Sanjay Priya, J)

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