

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.60 of 2018
and
Crl.M.P.Nos.442 and 443 of 2018

Dr.Vidhya
W/o.Dr.M.R.Sridhar ... Petitioner

Vs.

Dr.S.Tamilarasan,
Appropriate Authority,
Joint Director of Health Services,
Krishnagiri,
Govt. Head Quarters Hospital,
Krishnagiri. ... Respondent

Criminal Revision filed under Sections 397 r/w 401
Cr.P.C. against the order of learned Judicial Magistrate I,
Krishnagiri, framing charges in C.C.No.140 of 2014 on 03.01.2018.

For Petitioner : Mr.M.Mohamed Riyaz
For Respondent : Mr.V.Arul
Additional Public Prosecutor

O R D E R

This revision arises against the order of learned Judicial
Magistrate I, Krishnagiri, framing charges in C.C.No.140 of 2014
on 03.01.2018.

2. Case in C.C.No.140 of 2014 on the file of learned
Judicial Magistrate I, Krishnagiri, arises on complaint filed by
the appropriate authority informing commission of offences
u/s.23, 25, 26 and 29 of The Pre-Conception and Pre-Natal
Diagnostic Techniques (Prohibition Of Sex Selection) Act
(hereinafter referred to as 'Act'). Petitioner/sole accused had
sought discharge specifically in respect of offence u/s.23 of
such Act in Crl.M.P.No.6179 of 2014 and the same was allowed by
learned Judicial Magistrate I, Krishnagiri, under orders dated
27.11.2014. Trial Court specifically observed that there was
material for presuming that petitioner had committed offences

u/s.25 r/w 29 of the Act and petitioner has not sought discharge in respect of such offences. Despite such order, learned Judicial Magistrate presently has framed as many as six charges against the petitioner, all of them being in relation to Section 23 of the Act. Aggrieved petitioner has moved the present revision.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

4. When once the Court below had discharged the petitioner of offence u/s.23 of the Act no occasion arises for framing of charges against the petitioner in relation to such offence. There is no charge of commission of offence under any other section of such Act. In the circumstances, the complaint case in C.C.No.140 of 2014 on the file of learned Judicial Magistrate I, Krishnagiri, deserves to be quashed.

Accordingly, the Criminal Revision Case shall stand allowed. The proceedings in C.C.No.140 of 2014 on the file of learned Judicial Magistrate I, Krishnagiri, shall stand quashed. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gm

To

1.The Judicial Magistrate I,
Krishnagiri.

2.do Thro The Chief Judicial Magistrate,
Krishnagiri.

3.The Public Prosecutor,
High Court, Madras - 600 104.

+1cc to Mr.M.Mohamed Riyaz, Advocate sr.no.2690

Cr1.R.C.No.60 of 2018

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nr 12/01/2018