

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-23047-2018

Date of decision: 28.05.2018

Dr. Rahul Malik

...PETITIONER

VERSUS

State of Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Anita Balyan, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court impugning the order dated 23.10.2017 (Annexure P-5) passed by the learned Sessions Judge, Rewari on a revision petition preferred by the petitioner challenging the order dated 19.12.2016 passed by the ACJM, Rewari, whereby an application preferred by the petitioner for releasing the ultrasound machine, which was taken into custody in FIR No. 197 of 2016 registered under Sections 23/4/5/6 of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and under Sections 420/201/120-B IPC at Police Station Model Town, Rewari, has been declined.

A perusal of the order passed by the revisional Court dated 23.10.2017 makes it apparent that there is some dispute with regard to the

serial number of the ultrasound machine, which is claimed by the petitioner and the one, which is stated to be lying in the *malkhana* of the police station. The revisional Court has only remanded the case back by setting aside the impugned order with a direction to conduct an enquiry and to decide the issues whether the ultrasound machine taken into possession of the competent authority during the investigation leading to the prosecution of the petitioner, is the same machine as mentioned in the physical inspection report of Space Healthcare Ltd. and also to see if it was so, why the serial number of the machine was not entered in the certificate of registration as filed with the trial Court by the petitioner at the time of filing of application for temporary release. It was further directed that whether serial number was changed in the certificate later on as per the rules and then to pass a fresh order on the application of the petitioner for temporary release of the said ultrasound machine.

This Court does not find any illegality in the order as passed by the revisional Court which would call for any interference by this Court. Therefore, the present petition stands dismissed.

The learned Magistrate dealing with the case would make an effort to expedite the decision on the issue, as has been remanded.

May 28, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No