

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6323 OF 2019

SWAPNIL MADHAVRAO MANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Gandhi Amol S.
AGP for Respondents : Mr. S. P. Tiwari

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 01st OCTOBER, 2019

PER COURT:

1. The application filed by the petitioner for added facility to his centre is rejected.

2. We have heard the learned counsel for the petitioner and the learned A.G.P. for the respondents.

3. It appears that only ground on which the application of the petitioner for added facility to his centre is rejected is that the appeal is pending before this Court under Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Rules.

4. It is not disputed that the petitioner has been acquitted of the offences alleged against him. Only on the ground that the State has filed an appeal and the same is pending, cannot be sufficient to reject the application.

5. Considering the above, the impugned order is quashed and set aside. The respondent / authority shall reconsider the application of the petitioner for added facility on its own merits, expeditiously and preferably within a period of four (04) months.

6. Writ Petition stands disposed of accordingly.
No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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