

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.

43 WRIT PETITION NO.10738 OF 2018

TANUJA SHRINIWAS BARDE JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S.S. Kulkarni, Advocate for petitioner.

Mr. S.P. Tiwari, Asstt. Govt. Pleader for respondent No.1

Mr. R.K. Ingole, Advocate for respondent No.2

CORAM : S. V. GANGAPURWALA
AND
A. M. DHAVAL, J J.

DATE : 25th APRIL, 2019

ORAL ORDER:

1. Heard Mr. S.S.Kulkarni, learned Advocate for the petitioner and Mr. Ingole, learned Advocate for respondent No.2 and the learned Assistant Government Pleader.

2. The sonography machine of petitioner is sealed under panchnama dated 31st May 2013. The learned Counsel submits that the criminal prosecution lodged against the petitioner has been set aside and even order suspending the licence has been set aside by this Court under the judgment and order dated 8th August 2018 in Criminal Application No. 520 of 2018. No purpose would be served for keeping machine sealed.

3. Mr. Ingole, learned Advocate submits that respondents

had approached the Apex Court, however, no stay has been granted.

4. It would appear that the seizure of the machine can be on the count that the competent authority has reason to believe that said sonography machine may furnish evidence of commission of offence punishable under the Act. The complaint registered against the petitioner is set aside. Even the order suspending licence is set aside. When the complaint registered against the petitioner itself is set aside by this Court, no question arises of using said machine for commission of offence punishable under the Act.

5. Mr. Ingole, learned Counsel for respondent No.2 further submits that even registration of petitioner's Sonography Centre is not in force.

6. In that case if the petitioner is running the profession on the sonography machine against permission, the respondents can take further course of action. However, the machine which is sealed on the ground of commission of offence, cannot now be kept sealed, as the complaint has been set aside.

7. In the light of above, Rule is made absolute in terms of prayer clause (B).

(A. M. DHAVAL)
JUDGE

Madkar

(S. V. GANGAPURWALA)
JUDGE