

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-A-764-2019 (O&M)
Date of decision : 21.11.2019

State of Haryana

...Applicant/appellant

Versus

Amit @ Sonu

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anmol Malik, AAG, Haryana, for the applicant/appellant.

ANIL KSHETARPAL, J. (ORAL)

CRM-12272-2019

For the reasons stated in the application, delay of 326 days in filing the present appeal is condoned.

Application is allowed.

CRM-A-764-2019 (O&M)

Special leave to appeal has been sought against judgment of acquittal passed by the Chief Judicial Magistrate, Kaithal dismissing complaint filed under Sections 3, 4, 5, 6, 18 and 23 of the Pre-Conception and Pre-natal (Prohibition of Sex Selection) Act, 1994.

Learned Chief Judicial Magistrate has recorded following reasons to dismiss the complaint:-

- 1) The alleged decoy customer has not been examined.
- 2) It has not been proved that laptop allegedly recovered from the

complainant was in fact an ultrasonography machine.

- 3) No independent witness was joined.
- 4) Evidence of CW4 Shiv Kumar is not trustworthy and reliable as he has categorically denied that he is working as driver of the vehicle of Civil Hospital. However, in cross-examination, during post charge evidence, he admitted that he is working as driver of Government Ambulance.
- 5) There are material discrepancies in the evidence led.
- 6) No expert evidence has been produced to prove that the alleged laptop can be used as an ultrasonography machine.

Hence, no ground to grant leave to appeal is made out.

Dismissed.

21.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No