

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1224/2015

(DR. OMPRAKASH BRIJMOHAN CHITARKA **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.A. Naik, counsel for the petitioner.

Shri D.P. Thakare, Additional Government Pleader for the R-1 & 2.

Shri N.S. Deshpande, Assistant Solicitor General of India for the R-3.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 15, 2022.

P.C.

It is submitted by the learned counsel for the petitioner that based on a complaint filed under Section 28 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996, the petitioner was prosecuted in Criminal Complaint No.747 of 2012. During the pendency of the present proceedings the petitioner has been acquitted in the said proceedings and the appeal preferred by the State has been dismissed. In this backdrop, it is submitted that the challenge raised in this writ petition has been rendered infructuous. It is however submitted that in the meanwhile the petitioner has made an application for grant of license for running a diagnostic clinic. That application is pending.

In view of aforesaid, since the challenge raised in this writ petition to the validity of Rule 18A(4) of the Rules of 1996 has been rendered infructuous in view of acquittal of the petitioner, the writ petition is disposed of. However, all points raised in the writ petition are kept open. Rule stands discharged. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE