



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of January Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13310 of 2021

IN

CRL.RC.NO.1005 OF 2021

K.RAMACHANDRAN OWNER,
M/S MAHALAKSHMI NURSING HOME,

[PETITIONER]

Vs

APPROPRIATE AUTHORITY FOR SUB
DISTRICT UNDER PRE CONCEPTION,
PRE-NATAL DIAGNOSTIC TECHNIQUES,
(PROHIBITION OF SEX SELECTION) ACT,1994 AND,
THE CHIEF MEDICAL OFFICER,
VIRUDHACHALAM,CUDDALORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1005 OF 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner vide judgement dated 19.01.2021 made in CC.No.68/2014 on the file of the Learned District Munisif Cum Judicial Magistrate, Neyveli, Confirmed by the Learned Principal District and Sessions Judge, Cuddalore vide Judgment dated 27.08.2021 made in Crl.A.No.13/2021 till the disposal of the Crl.RC.1005 OF 2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1005/2021 on the file of the High Court and upon hearing the arguments of M/S G.KUPPUSAMY PANDIAN Advocate for M/s M.D.BABU, Advocate for the petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

(This case has been taken up through video conference)

This Criminal Miscellaneous petition has been filed by the petitioner seeking suspension of sentence of imprisonment imposed by the District Munsif-cum-Judicial Magistrate, Neyveli in Crl.A.No.13/2021 dated 27.08.2021.



2. In any by the judgment of the Trial Court, the petitioner/accused was convicted and sentenced for the following offences :-

Offences	Conviction and Sentence
Section 248(2) Cr.PC	simple imprisonment for three years
Section 23(1) of PCPNDT Act [2 counts]	fine of Rs.3,000/- each and simple imprisonment for a period of one month
section 25 of PCPNDT Act	fine of Rs.1,000/- rigorous imprisonment for two years
section 5(2) of MTP Act	rigorous imprisonment for two years
section 5(3) of MTP Act	simple imprisonment for three years
section 312	fine of Rs.3,000/-

against which the present revision has been filed.

3. The learned counsel for the petitioner would submit that it is a private complaint, the allegation against the petitioner is that he had disclosed sex of the foetus of PW16 and PW17 and he had suggested abortion pills to them. However, PW16 and PW17 have not supported the case of the complainant and they have turned hostile. In this case, the material objects viz (i) Medical equipments (ii) Scan report and (iii) the alleged pills were not recovered and marked. The Courts below without there being any legal evidence to fix liability on the petitioner had found the petitioner guilty on mere presumption and assumption. He would submit that there are other arguable grounds available in the criminal revision, which is not likely to be taken up for final hearing in the near future and the petitioner has got a fair chance of succeeding in the criminal revision and hence, the substantive sentence imposed against the petitioner may be suspended and the petitioner may be enlarged with bail.

4. The learned Government Advocate (crl.side) would submit that the petitioner is an Medical Doctor by profession and he was running scan centre and he had in violation of provisions of Pre Conception and Pre Natal Diagnostic Techniques (Prohibition of Sex selection) Act, 1994 had disclosed the sex of the foetus to PW16 and PW17 and also prescribed pills for abortion.

5. Heard the counsel and perused the materials available on record.

6. The allegation against the petitioner is that he had disclosed sex of the foetus of PW16 and PW17 and suggested abortion



pills to them. However, PW16 and PW17 have not supported the case of the complainant and they have turned hostile.

7. This Court is of the opinion, that the petitioner has made out the case for granting suspension of sentence. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal revision, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties, each for a like sum to the satisfaction of the District Munsif-cum-Judicial Magistrate, Neyveli.
- ii. The petitioner shall appear before the Trial Court on first working of every month at 10.30am, until further orders.

The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEYVELI

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, CUDDALORE.

4 SUB DISTRICT UNDER PRE CONCEPTION,
PRE-NATAL DIAGNOSTIC TECHNIQUES,
(PROHIBITION OF SEX SELECTION) ACT, 1994 AND,
THE CHIEF MEDICAL OFFICER,
VIRUDHACHALAM, CUDDALORE DT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
MADRAS.

C.C. to M/S.M.D.BABU Advocate on payment of necessary charges

Order
in
CRL MP.13310/2021

IN CRL.RC.NO.1005 OF 2021

Date :21/01/2022

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RVR 24/01/2022