

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

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**INTERIM APPLICATION NO. 4800 OF 2023
ALONGWITH
INTERIM APPLICATION (ST) NO. 20426 OF 2023
IN
CRIMINAL REVISION APPLICATION (ST) NO. 20425 OF 2023**

Noorja Munir Sayyed

Applicant

vs.

The State of Maharashtra

Respondent

Mr. Atul Kakade a/w Ms. Deepah Saudagar Advocate for Applicant.

Mr. H.J. Dedhia, APP for the State.

Mr. Mahendra V. Purti, API Sakinaka Police Station present.

Mr. R.N. Loke, PSI Sakinaka Police Station present.

CORAM : S. M. MODAK, J.

DATED : 10TH JANUARY, 2024

P.C.:

1. It is true that as per the order dated 3rd January 2024 it was decided to hear the delay condonation application and Revision finally. The accused persons are charge sheeted for the offence punishable under Section 304(A), 363, 328 of the Indian Penal Code, 1860 ("IPC"). In the summary of charge-sheet at page no.56, the Investigating Officer (IO) has also referred to "The Assisted Reproductive Technologies (Regulation) Bill and Rules 2009". The copy of that bill is also amongst the papers filed at page no. 122 and copy of that bill is annexed. Learned APP to take instructions

from the IO whether that Bill was passed and whether the Act has come to the existence. There are two Acts by name Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and the Clinical Establishment (Registration and Regulation) Act, 2010. It is referred in Section 45 of the Assisted Reproductive Technology (Regulation) Act, 2021 so let learned APP to take instructions from the officer on this aspect also, so today the Revision cannot be heard. But today delay condonation application can be decided. For the reasons stated in the application about ill health of applicant, Revision could not be filed in time and that is satisfactory. Hence, delay is condoned. Revision be numbered. Learned APP waives notice in Revision Application.

2. Interim Application No. 4800 of 2023 disposed of.
3. Stand over to 31st January 2024.

INTERIM APPLICATION (ST) NO. 20426 OF 2023

4. This application is for staying of the proceedings before the Trial Court. Now the matter is fixed on 26th February 2024. The date is long. The returnable date of Revision is kept earlier to that, so today there is no need to stay the proceedings.

(S. M. MODAK, J.)