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CrL.OP.No.12624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.12624 of 2024

Dr.T.Chandra, MBBS, DGO

... Petitioner

Vs.

Appropriate Authority Salem City,
Pre-Natal Diagnostic Techniques,
Regulation and Prevention of Misuse Act,
Central Act No.57 of 1994

Dr.Elavarasi
Hospital Superintendent
Government Head Quarters Hospital,
Mettur Dam, Salem-636 401.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the dismissal order dated 17.05.2024 passed in CrL.MP.No.1306 of 2024 in C.A.No.115 of 2024 on the file of the learned Sessions Judge, Salem as illegal and incompetent by allowing the present criminal Original Petition.

For Petitioner : Mr.T.N.Rangesh Kanna

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (CrL.Side)
for R1
No Appearance for R2



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ORDER

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2. The petitioner herein been found guilty by the trial Court for the offenses punishable under Section 200 of Cr.P.C r/w Section 23(1) and 29 of Pre Conception and Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, in C.C.No.293 of 2020 on the file of the learned Judicial Magistrate-I, Mettur Dam, Salem, he is sentenced to undergo three years simple imprisonment and fine of Rs.10,000/- , in default, six months simple imprisonment.

3. Challenging the said judgment of conviction, the petitioner had preferred an appeal. The trial Court has also granted suspension of sentence for 30 days to prefer an appeal. While so, when the suspension of sentence application taken up for consideration by the Appellate Court, the petitioner has failed to appear and therefore, the same was dismissed on 17.05.2024. Being aggrieved, the present petition is filed.



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4. After notice, when the matter is taken up for consideration, the learned Government Advocate (Crl.Side) who represents the defacto complainant states that the petitioner may granted suspension of sentence imposing stringent condition so as to ensure presence and cooperation in disposal of the appeal.

5. Recording the same, this criminal original petition is allowed. The order passed by the lower Appellate Court in CrL.MP.No.1306 of 2024 dated 17.05.2024 is hereby set aside and the petition is restored on file. The learned Principal Sessions Judge, Salem shall consider the petition for suspension of sentence on merits and apart from other conditions shall also direct the petitioner herein to deposit Rs.50,000/- (Rupees Fifty thousand only) in the account of criminal appeal which shall be in turn invested in Bank till the disposal of the appeal. The petitioner is directed to appear before the learned Principal Sessions Judge, Salem, where the appeal is pending on 30.06.2024 with proof of deposit of Rs.50,000/- in the criminal appeal account.

13.06.2024

Vv



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1. The Sessions Judge, Salem
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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