

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3670 OF 2025
IN
CRIMINAL WRIT PETITION NO. 3541 OF 2025

Dr. Shantmati Pasgonda Patil

... Applicant

Versus

Union of India & Ors.

... Respondents

Mr. D. V. Sutar a/w Adv. Shruti Ghodke and Adv. Reshma Adnaik for the Applicant.

Mr. Vijay Killedkar for the Respondent No. 1-UOI.

Mr. A. A. Naik, APP for the Respondent-State.

Coram : **M. S. Karnik &**
Ajit B. Kadethankar, JJ.

Date : December 19, 2025.

P. C. :

1. Heard learned Counsel for the parties.
2. This Interim Application is filed by the Applicant seeking directions to Respondent Nos. 5 and 6 to open the seal and release the Ultrasonography Machine seized on 25th July 2024 under the provisions of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and the Rules framed thereunder (for short, "***the PCPNDT Act***").

3. By the present Writ Petition filed under Article 226 of the Constitution of India, the Applicant is challenging the proceedings bearing Regular Criminal Case No. 219/2024 pending before the learned Judicial Magistrate First Class, Jaysingpur, District Kolhapur.
4. The Applicant is a medical practitioner and is running a maternity home in the name and style of *Hirkani Maternity & Surgical Hospital*. She is operating an Ultrasonography Machine in the said maternity home.
5. According to the Applicant, the seizure of the Ultrasonography Machine and other records under panchanama dated 25th July 2024 is illegal, unauthorized, and in contravention of the provisions of the PCPNDT Act. It is further contended that the machine is lying sealed with Respondent No. 6 and its condition is deteriorating. The Applicant, being a gynecologist, is unable to carry out her medical practice in the absence of the sonography machine, which is required for examination and treatment of patients.
6. Learned APP opposed the Application.
7. It is submitted on behalf of the Respondents that the entire data is stored in the machine and that there is difficulty in retrieving, securing and preserving the same. It is contended that if the machine is handed over to the Applicant, there is a possibility of loss or tampering of data. Reliance is placed on the judgment of this Court in Writ Petition No. 4399 of 2012 (***Dr. Vandana Ramchandra Patil vs. State of***

Maharashtra & Anr.).

8. Having considered the submissions, we are inclined to allow the Application. The Ultrasonography Machine is lying in a sealed condition and there is nothing on record to indicate that continued seizure would serve any useful purpose. The Applicant is a gynecologist and is dependent upon the sonography machine for her professional practice. In our opinion, no purpose will be served by keeping the machine sealed with Respondent Nos. 5 and 6, subject to adequate safeguards.

9. Learned counsel for the Applicant undertakes that the Applicant shall comply with all statutory requirements and procedural formalities, including holding a valid licence before using the machine. It is further undertaken that such undertaking shall be filed within a period of two weeks from today. The Applicant shall not tamper with the data stored in the machine.

10. The Applicant shall produce the Ultrasonography Machine before the Trial Court as and when directed. The Applicant shall not tamper with the machine or its contents. At the time of handing over the machine, Respondent Nos. 5 and 6 shall be at liberty to take photographs of the machine and its condition.

11. Interim Application stands disposed of.

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ASHOKRAO

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[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]