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HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 115 of 2022

State Of Chhattisgarh Through Police Station Deepka, District Korba (Chhattisgarh), District : Korba, Chhattisgarh

... Appellant(s)

versus

1. Dr. Rajendra Prasad Ravidas S/o Late Bhemal Prasad, Aged About 33 Years R/o Village Karma, P.S. Mando, District Ramgarh, Jharkhand, Presently Residing At- Hardi Bazar, P.S. Kusmunda, District Korba (Chhattisgarh), District : Korba, Chhattisgarh
2. Dr. Mithilesh Prasad, S/o Late Vishnu Devdas, Aged About 47 Years R/o Life Care Hospital, Pali Road Deepka, District Korba (Chhattisgarh), District : Korba, Chhattisgarh
3. Smt. Renu Shrivastav, W/o Dr. Mithiles Prasad, Aged About 47 Years R/o Life Care Hospital, Pali Road Deepka, District Korba (Chhattisgarh) Presently Residing At- V 11, L.H.M. Colony Manendragarh District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

... Respondent(s)

For Applicant (s)	:	Mr Arpit Agrawal, Panel Lawyer
For Respondent No.1	:	Mr. Ram Anugrah Singh, Advocate
For Respondent No. 2 and 3	:	Mr. Rajesh Pandey, Advocate with

		Mr. Sumit Verma, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

12/10/2026

1. Today the matter is listed before this Court for hearing on sentence.
2. Heard learned counsel for the parties in compliance of Section 235(2) of the Cr.P.C./Section 254(2) of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 on sentencing as this Court has set aside the order of acquittal so far as it relates to offence under Sections 5 of the Act, 1971 and Section 315 of the IPC.
3. Learned counsel for the applicant/State would submit that the respondents are involved in the heinous crime, offence of abortion which is not only have an adverse effect on the society as the charges leveled against the accused is an attempt to prevent the child to take birth, as such they should be punished with maximum sentence as provided in the statute.
4. On the other hand, learned counsel for respondent No.1 would submit that respondent No.1 is aged about 50 years and he has two daughters in the family and if he is sentenced then it may have an effect on the livelihood of his daughters. He would further submit that respondent No.1 remained in jail about 1 month and 15 days which is sufficient punishment for the alleged act and would pray for imposition of sentence already undergone by him. Alternatively the would submit that respondent No.1 may be inflicted with fine amount only. Lastly, he would submit that the alleged offence was committed in the year 2011

and more than 15 years have already been elapsed, as such a lenient view may be taken while sentencing the respondent No.1

5. On the other hand, learned Sr. counsel for respondent No. 2 and 3 would submit that now the respondent No. 2 and 3 are aged about 62 years of age and it is the first offence of the respondent No. 2 and 3, there is no embargo under the new Act for considering the case of the respondent No. 2 and 3 for probation, looking the age and circumstances in which they have involved in the commission of offence. He would further submit that if respondent No. 2 is sent to jail, it will be difficult for the family members to survive as there is no male member in the family to look after the affairs of the family and would pray for imposition of fine amount instead of sending jail or would pray for awarding less punishment.

6. I have heard learned counsel for the parties and perused the records with utmost satisfaction.

7. From perusal of Section 5 of Medical Termination of Pregnancy Act, 1971, it is quite vivid that two years minimum sentence has been prescribed for commission of the offence under the Act which may to extent for 7 years but for commission of offence under Section 315 of the IPC, no minimum sentence has been prescribed under the Code.

8. Looking to the gravity of the offence and considering provision of Act 1971, minimum sentence of two years has been prescribed, I am of the view that respondents No. 1, 2 and 3 will undergo R.I. for two years under Sections 5 of the Act, 1971 and two years for Section

315 of the IPC with fine amount of Rs. 1000/- each offenses with a direction to run the sentences concurrently.

9. The respondent No.1 is entitled to get set off sentence as per provisions of Section 428 of CrPC, as he has already remained in jail about 1 month and 15 days. The fine amount will be deposited before the trial Court upto **15.12.2026**. The respondents are directed to surrender before the trial Court on **15.12.2026** to serve out remaining part of their sentences. In case, they do not appear before the trial Court on that date, the trial Court shall issue an arrest warrant to the accused/ respondents to serve out remaining part of their sentence.

10. This order be read with the order passed by this Court on 24.09.2026 and a copy of this order be provided to the parties as well as concerned trial Court for onward compliance. Accordingly, the instant acquittal appeal is allowed in part.

Sd/-

(Narendra Kumar Vyas)
Judge

Santosh