

IN THE COURT OF A.C.J.M - 1st (W), MUZAFFARPUR CIVIL COURT, MUZAFFARPUR, BIHAR DATE OF JUDGMENT:- 06.07.2026 COMPLAINT CASE (O) NO:- 01/2018 T.r. No. 1717/2019	
Complainant	Dr. Lalita Singh, W/o Sri Chandra Shekhar Pd. Singh R/o- Tetari, P.S.- Navgachhia, District-Bhagalpur
Represented by	Ld. A.P.O. Ayush Sinha
Accused	1. Surendra Kumar Mahto, S/o Late Jaldhar Mahto age about 39 years, R/o Village- Barkagaon, P.S- Karja (Marwan), District – Muzaffarpur
Represented by	Ld. Advocate- Sri. Mahendra Roy

FORM B

Date of offence	04.04.2018/09.04.2018
Date of Complaint	12.04.2018
Date of prima facie	10.05.2018
Date on which charge framed	22.07.2022
Date of commencement of evidence	22.08.2022
The date on which Judgment is reserved	06.07.2026
Date of Judgment	06.07.2026
Date of sentencing Order, if any	-----

Accused details

The rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Acquittal or conviction	Sentence Imposed	Detention during trial u/s 428 Cr. P.C
1.	Surendra Kumar Mahto	NA	17.11.18	U/s- 23 & 25 Pre. Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act 1994.	Acquittal	NA	NA

Judgment

1. In the instant case accused person namely, 1. Surendra Kumar Mahto is facing trial for committing the offences punishable U/s- 23 & 25 Pre. Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act 1994.
- 2 The story of the informant in brevity is that the complainant Dr. Lalita Singh, W/o Sri Chandara Shekhar Pd. Singh, functioning as

Civil Surgeon cum Chief Medical Officer cum District Appropriate Authority, Muzaffarpur and being appointed as the District Appropriate Authority under the pre natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 (here in after referred to as the Act) vide Govt. Notification dated under section 2(a) of the Act and the Rules Framed there under. In discharge of his duties under the Act. He got enquiry conducted by a Team of three Senior Doctors Named Dr. Hasib Asgar, Dr. Harendra Kumar Alok and Dr. Chandra Shekhar Pd. All belonging to the Medical Officer's. Dist. Training Team, Sadar Hospital Muzaffarpur. Flaria Officer, Sadar Hospital Muzaffarpur and Medical Officer of Civil Surgeon Office, Muzaffarpur respectively vide our memo no. 999 dt. 21.03.2018 and memo no. 1202 dt. 09.04.2018. The Team inquired and inspected the Deepak Ultrasound under Deepak Sewa Sadan @ Deepak Nursing Home, Barka gawan Dewaria Road, Marwan, Muzaffarpur on dt. 04.04.2018 and dt. 09.04.2018 and submitted the Inspection report in proper format to the undersigned. The Team found a USG Machine Named Siemens Sonoline bearing No. G-20 which was not registered under PC & PNDT Act. 1994 and on wards. He came to know that the above noted center Named Deepak Ultrasound and Digital X-Ray under Deepak Sewa Sadan @ Deepak Nursing Home, Barka gawan Dewaria Road, Marwan, Muzaffarpur which is installed in this Nursing Home and after verification he found that such center is not registered with the District Appropriate Authority. On personal verification of the relevant register maintained for that purpose in the office of the District Appropriate Authority as contemplated under Chapter iv. Section 18 it was found that no registration certificate has been issued to this center. Moreover, no application has also been made by the center for registration as contemplated under the Act. No registration of this machine is obtained from the Civil Surgeon cum Chief Medical Officer cum District Appropriate Authority, Muzaffarpur. The Machine is unauthorized for this USG Center although no one was found operating the

machine. The owner has not informed the DAA, Muzaffarpur before the day of inspection and the people of the machine bearing model no. 086447542IVK Serial No. AR73472 has been taken out/seized from the machine and kept under the custody supervision of the undersigned and as per the advice of DAA the owner of the center was asked show cause vide memo no. 1138 dt. 05.04.2018. The owner of the center did not submit the reply. The team sealed this machine and kept it in one room under the owner's custody or supervision and District Appropriate Authority advised to file C2 case. The undersigned asked show cause notice bearing no. 1138 dt. 05.04.2018 under section 20-1 of P.C. & PNDT Act to the centre. The owner of the center did not submit his reply even after the lapse of stipulated time. He, being a public servant may be exempted from personal appearance on every date of the hearing. On the above facts and circumstances of the instant case and in the interest of justice it is respectfully prayed that this Court may be graciously pleased to take cognizance of the offence committed by the accused and punish him in accordance with law. Photo copy inspection report (inspection format) namuna no. 12 dt. 04.04.2018, photo copy of prescription dt. 03.04.2018, memo 999 dt. 21.03.2018, photo copy of reporting format Deepak Ultrasound and Digital X-ray, photo copy of Letter head of Deepak Nursing Home on dt. 04.04.2018, photo copy of memo no. 1138 dt. 05.04.2018, memo no. 1202 dt. 09.04.2018, photo copy inspection report (inspection format) namuna no. 12 dt. 09.04.2018, photo copy of panchnama dt. 09.04.2018 are attached as evidence of the above noted case.

- 3 This complaint has been filed before the court on 12.04.2018 and After inquiry prima facie case has been made out u/ss 23 & 25 Pre. Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act 1994 against accused person named in the complaint petition on 10.05.2018 and presently being tried by me. In this case substance of accusation has been explained to the accused persons u/section 23 & 25 Pre. Natal Diagnostic Techniques

(Regulation & Prevention of Misuse) Act 1994 on 22.07.2022 and read over and explained to the accused person to which he refuted and pleaded not guilty and claimed to be tried.

- 4 The statement of the accused u/s 313 Cr.P.C was recorded on 23.06.2026 and they pleaded their innocence and have been falsely implicated in this case.
- 5 Now the question for judgment before me is that whether the prosecution has been able to prove the charges leveled against the accused persons beyond the shadow of all reasonable doubts or not.

FINDINGS

- 6 In the course of trial, prosecution has not produced any single witness in support of his case.
- 7 The substance of accusation has been explained to the accused person on dated 22.07.2022. Thus, altogether four years of time have been given to the complainant/informant to produce their witnesses and prove his case. Court has made his all effort and issued summon a BW and NBW against the witnesses but complainant did not brought any of his witnesses before the court. No one turn up to support the complaint case. The approach of the prosecution was lethargic from the beginning and hence even after the processes issued against the witnesses, no one bothered to comply it. Complainant/informant is duty bound to prove the charges beyond all reasonable doubts but nothing happened in this case. Sufficient time has been given to the complainant but neither informant nor any other witnesses turn up to support the complaint case. Actually it is a case of no evidence and there is nothing on record to discuss. Thus, in absence of the non examination of the informant/complainant and any other independent witnesses. Cumulatively, makes the prosecution case is highly doubtful.

8 On the basis of discussions made above, I found and accordingly hold that complainant/informant has failed to prove the charges level against the accused person beyond the said all reasonable doubts.

ORDER

9 Accordingly, the accused person namely, **1. Surendra Kumar Mahto** facing trial in this case is hereby **acquitted** from the charges of offences u/s U/s- 23 & 25 Pre. Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act 1994. and their bailors are also discharged from the liabilities of their respective bail bonds. Also, o/c is directed to deposit the record in the record room as per the rule.

10 Judgment has been written, (typed) corrected dated signed and sealed and pronounced by me in open court today dated 07th Day of July, 2026.

Dated: 06th Day of July, 2026.

Typed and Corrected

Sd/-

(Naresh Mahto)

Additional Chief Judicial Magistrate 1st
Muzaffarpur (West)

APPENDIX

FORM C
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES
A. PROSECUTION WITNESS

Rank	Name
PW	NIL

B. DEFENCE WITNESS

Rank	Name
DW	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS
A: PROSECUTION

Sr. No	Exhibit Number
1.	NIL

B: DEFENCE

Sr. No	Exhibit Number
1	NIL

C: COURT EXHIBITS

Sr. No	Exhibit Number
1	NIL

C: MATERIAL EXHIBITS

Sr. No	Exhibit Number
1	NIL

Date of Judgment/Order	06-07-2026
Date of Reserving Judgement / Order	06-07-2026
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