

**In the Court of Rajinder Singh Nagpal, PCS,
Sub Divisional Judicial Magistrate, Samana.**

FIR No: 96 Dated: 06.06.2019.
U/Ss: 3A, 23, 29 PC & PNDT Act, 1994
& Section 34 of IPC.
P/S: City Samana.

CIS No.: CHA/76/2020
CNR No. PBPTC10005802020
Date of Institution: 18.03.2020.
Date of Decision: 04.10.2024.

S T A T E

Versus

Seema Rani son of Kesar Singh, resident of Masatgarh, District Kaithal
(Haryana) now resident of Rattan Nagar, Phase-2, Tripuri, Patiala.

.....Accused.

Present: Ms. Shimpa, APP for the State.
Accused on bail with counsel Sh. V.K. Bansal, Advocate.

JUDGMENT

1. The above named accused has been forwarded to this Court by the Officer Incharge of Police Station City Samana to face trial for the commission of offences punishable under Sections 3A, 23, 29 PC & PNDT Act, 1994 & Section 34 of IPC.

2. In nutshell, facts of the prosecution case are that on 06.06.2019, ASI Sinder Singh alongwith police party in connection with patrolling was present at Bus Stand, Samana and then he received telephonic call from MHC Gurbax Singh that he received information from Civil Surgeon, Patiala and told ASI Sinder Singh to reach at Tinku

Beauty Fashion, Krishna Market Samana. On this, ASI Sinder Singh alongwith police party reached at Tinku Beauty Fashion, Krishna Market, Samana, where Civil Surgeon namely Harish Malhotra alongwith doctors met him and said Harish Malhotra gave him an application to the effect that on 06.06.2019, she received a written order issued by Director, Health and Family Welfare Department, Punjab, Chandigarh, as per which Ramesh Dutt, Director Speed Search and Security Network Pvt. Ltd. Chandigarh alongwith Dr. Anjana Gupta, SMO Incharge, CHC Tripuri made a telephonic call to him and informed that he has to form a team to conduct raid in Samana City, District Patiala as some persons are giving medicines to pregnant women with the assurance that if they consume the same, then they will give birth to male child, which comes under the provisions of PC & PNDT Act. Thereafter he reached at the place told by Civil Surgeon, Patiala and constituted a team consisting of Dr. Shelly Jaitley Assistant Civil Surgeon, Dr. Deepika Bansal Medical Officer Samana, Dr. Arvind Verma Executive SMO and members of State Team. One pregnant woman namely Goldy Rani was also joined in the team, who was about 3-4 months pregnant and Rs.11,000/- of the denomination of Rs.500/- currency notes were given to her by Sh. Ramesh Dutt and numbers of the currency notes were entered in the consent letter, which was signed by complainant and other team membrs. Thereafter Goldy Rani was sent to purchase the medicine from Tinku Beauty Fashion in Krishna Market, Samana, where she met owner of the shop namely Money Goyal son of Ram Goyal and his mother Seema Rani wife of

Raman Goyal, who pretended herself as a doctor. That Money Goyal who was present in the shop showed some pictures to the fake customer (Goldy Rani) and also demanded Rs.11,000/- in exchange of medicine for eleven days and gave her assurance that she will surely gave birth to a male child. In the medicine, there were 11 tablets golden coloured and 11 packets of silver ivory white packed in silver paper, in which power of ivory white colour was wrapped and Money Goyal took Rs.11,000/- from the fake customer for the said medicine. Thereafter said fake customer gave signal to the Team, on which complainant alongwith other members entered the shop of Tinku Beauty Fashion, Krishna Market Samana and conducted the search of Money Goyal and from the drawer, currency notes of Rs.10,500/- were recovered, which were the same currency notes which were given to the fake customer. Goldy Rani handed over the medicines purchased by her from Money Goyal to the Team. Thereafter said Team of doctors searched the shop and found 740 tablets golden colour, 65 grams of ivory white powder and nine empty boxes of WIN-UP, 8 Capsules WIN-UP (Herbal Powder Booster Capsules) and four photographs regarding advertisement for surety of birth of male child were recovered which were taken into possession. Apart from this, 80 empty plastic pouches and 20 golden and silver papers were also recovered. So, offence under Section 3A, 23, 29 of PC & PNDT Act was found to have made out against the accused, so letter was written to Civil Surgeon Patiala in this regard. So on the basis of said application, ruqa was sent to police station and FIR for the commission of offence under

Section 3A, 23, 29 of PC & PNDT Act was registered against accused Money Goyal and Seema Rani. Investigation was commenced. Dr. Arvind Verma, Executive SMO produced recovered three parcels before ASI Sinder Singh, which were taken into police possession. Place of occurrence was visited and site plan was prepared. Money Goyal was joined in the investigation, who was stated to be of 16 years old. Statements of witnesses U/s 161 Cr.P.C were recorded. Offence under Section 34 of IPC was enhanced. Case property was deposited with the MHC of Malkhana. Juvenile Money Goyal was produced before the Court at Patiala, who was sent to Observation Home, Ludhiana. On 03.07.2019, one Pritpal Singh produced accused Seema Rani before the police alongwith bail order of the Court. Accused Seema Rani was joined in the investigation and was arrested in this case and thereafter was released on bail as per order of the Court. Statements of witnesses U/s 161 Cr.P.C were recorded. After completion of investigation, challan was presented in the Court against the accused for the commission of offences under Sections 3A, 23, 29 of PC & PNDT Act & 34 of IPC.

3. On appearance of accused, copies of Challan and all the documents were supplied to her free of costs as envisaged u/s 207 Cr.PC.

4. After hearing Ld. APP for the State as well as Ld. Counsel for accused and after perusing the Police Report and documents appended with it, a prima facie case under Sections 23 and 29 of PC & PNDT Act was made out against accused and accordingly she was charge sheeted.

The charge was then read over and explained to accused in simple language to which she pleaded not guilty and claimed trial.

5. In order to prove the guilt of accused, prosecution examined Dr. Shelly Jaitly, eye-witness as PW1, Dr. Harish Malhotra, complainant as PW1, Dr. Arvind Verma, eye-witness as PW3, Dr. Deepika Bansal, eye-witness as PW4, Ramesh Dutt, eye-witness as PW-5, ASI Sinder Singh, investigating officer as PW6, LC Parneet Kaur as PW7, Sukhjinder Singh Gill, Superintendent as PW8 and Bhupinder Singh, Senior Assistant as PW9. Prosecution also proved on record consent memo of Goldy Rani alongwith inventory as PW1/A, copy of order bearing No.1FW(4)/PNDDT:2019/SPL 17-21 dated 06.06.2019 as Ex.PW1/B, application moved by complainant to SHO PS City Samana as Ex.PW2/A, memo regarding taking into possession the parcel of medicines as Ex.PW3/A, arrest-cum-intimation memo of accused Mani Goyal as Ex.PW3/B, his personal search memo as Ex.PW3/C, police proceedings on the application of complainant as Ex.PW6/A, FIR as Ex.PW6/B, site plan as Ex.PW6/C, arrest-cum-intimation memo of accused Seema Rani as Ex.PW6/D, her personal search memo as Ex.PW6/E, seizure memo as Ex.PW1/DB, memo regarding taking into possession copy of registry and report card as Ex.PW6/F, application moved by IO to the office of Municipal Council, Samana to verify the ownership of shop in question as Ex.PW6/G, copy of posting order of Dr. Anjana Gupta as Ex.PW8/A, copy of posting order of Dr. Shelly as Ex.PW8/B, copy of posting order of Dr. Harish Malhotra as Ex.PW8/C,

copy of posting order of Dr. Deepika Bansal as Ex.PW9/A, copy of posting order of Dr. Arvind Verma as Ex.PW9/B, copy of posting order of Dr. Shelly Jaitly as Ex.PW9/C and case property as Ex.MO1 to Ex.MO3. Thereafter prosecution failed to conclude its evidence despite availing numerous opportunities, accordingly evidence of prosecution was closed by order.

6. On closure of prosecution evidence, accused was examined u/s 313 of Criminal Procedure Code, in which all incriminating circumstances appearing in the statements of prosecution witnesses were put to accused, so as to apprise him of incriminating evidence, but accused had refuted all the circumstances by pleading false implication and innocence. However, accused did not lead any defence evidence and same was closed by order.

7. I have heard the contentions of learned APP for the state as well as learned counsel for accused and have perused the case file very carefully and minutely with their able assistance.

8. Learned APP for the State while referring to the statements of prosecution witnesses has forcefully argued that on 06.06.2019, accused was running a genetic counseling centre under the name and style of Tinku Beauty Fashion at Krishna Market, Samana being its owner and rendered technical services at the said centre to Goldi Rani wife of Parveen Kumar in contravention of the provisions of Section 3A of PC & PNDT Act and she was found in possession of 740 tablets of Golden Colour, 65 Grams of Ivory White Powder and 8 pregnancy capsules and

fails to maintain the record regarding the same and in this way, she was doing illegal acts and has committed the offence in question. He further argued that complainant, IO and other eye-witnesses have corroborated the entire version of prosecution case and have duly proved the recovery allegedly effected from the accused. He further argued that prosecution has duly proved its case by leading cogent and convincing evidence and accused has failed to rebut the same in any manner. He further argued that witnesses of prosecution have duly proved the guilt of accused beyond all shadows of doubts, so he prayed for conviction of accused for the offences for which he has been charge-sheeted.

9. On the other hand, learned defence counsel forcefully argued that accused has been falsely implicated in this case and she has not committed any offence. He further argued that prosecution has miserably failed to connect the accused with the offence in question. He also contended that accused was not present in the shop at the time of alleged occurrence and it was Money Goyal who was present in the shop at that time. Moreover, nothing was recovered from the possession of accused Seema Rani, rather the same was recovered from the possession of Money Goyal. He further argued that as per the version of prosecution witnesses, no sex determination machine was recovered from the shop in question and even the recovered articles i.e. ivory white powder and Win-up capsules were not sent to any laboratory for verification of their contents for testing purposes, rather the prosecution witnesses has admitted that they cannot say as to for which purpose the said articles were used.

Moreover, as per statement of Goldy Rani recorded U/s 161 Cr.P.C Ex.PW2/D1, no reference at all was made with regard to accused Seema Rani, rather all the allegations are with respect to accused Money Goyal. So, he contended that prosecution witnesses have miserably failed to prove the guilt of accused beyond all shadows of doubts. He also argued that there are material discrepancies and loop holes has surfaced in the prosecution story, which makes the case of prosecution highly doubtful and it should that accused has been falsely implicated by the investigating agency in this case. So, he forcefully argued that case of prosecution is bundle of lies and prosecution has failed to prove its case beyond all shadows of doubts, thus he prayed for acquittal of accused.

10. I have carefully considered the contentions of learned APP for the State and learned defence counsel.

11. Now after hearing the contentions put forth by learned APP for the State and learned defence counsel and after going through the evidence on record, this Court is of the opinion that prosecution has miserably failed to prove the guilt of accused beyond any shadow of reasonable doubt. The case of the prosecution is that on 06.06.2019, accused rendered technical services at Tinku Beauty Fashion to Goldy Rani in contravention of the provisions of Section 3-A of Pre Conception and Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and gave medicine regarding birth of male child and thus contravened the provisions of Sections 23 and 25 of PC & PNDT Act. In order to prove its case, prosecution examined as many as nine witnesses.

Dr. Shelly Jaitly while appearing into the witness box as PW1 stated in her cross-examination that she cannot recall whether accused Seema Rani was present in the shop or not. She admitted that the money was recovered from Money Goyal and same was not recovered from accused Seema Rani. She admitted that as per seizure memo Ex.PW1/DB, articles were recovered from the possession of Money Goyal son of Ram Goyal. She admitted that Ex.PW1/DB does not name Seema Rani nor anything was recovered from her. She stated that she do not know for which purpose the recovered articles i.e. Ivory White Powder and WIN-UP capsules are used. She admitted that nothing was recovered from accused Seema Rani as she was not there in the shop. Similarly PW2 Dr. Harish Malhotra, complainant of this case, stated in his cross-examination that when raid was conducted at the shop of Tinku Beauty Fashion, he has not verified the ownership of said shop. Further he admitted that they have not recovered any sex determination machine from there. He admitted that no money was exchanged between accused Seema Rani and Money Goyal/Goldy Rani. He stated that police arrested Seema Rani and Money Goyal in his presence on dated 06.06.2019. He further admitted that he cannot say as to for which purpose the recovered articles i.e. 740 capsules golden colour, 65 grams of silver ivory powder and Win-up capsules are used. He further stated that their department has not sent above said articles for verification to the laboratory. He stated that he cannot tell as to whether all these articles are easily available in the cosmetic shops. He admitted that in the statement of Goldy Rani dated 06.06.2019

Ex.PW2/D1, there is no reference of accused Seema Rani. Similarly PW3 Dr. Arvind Verma, eye-witness stated in his cross-examination that when raid was conducted, Seema Rani was not present in the shop and only Money Goyal was present there. He further admitted that no recovery was effected from accused Seema Rani and only Money Goyal was arrested at the spot. He admitted that as per statement of Goldy Rani Ex.PW2/D1, no reference of accused Seema Rani was made by her. He also admitted that no sex determination machine was recovered from the shop of Tinku Beauty Fashion. He admitted that he cannot say about the salt composition of the recovered articles. He further admitted that all these articles are easily available in the market. He admitted that these articles were not sent to any laboratory for verification. Similarly PW4 Dr. Deepika Bansal admitted in her cross-examination that she cannot say as to who was the owner of Tinku Beauty Fashion and they have not seen any ownership record at the spot. She admitted that when raid was conducted, only Money Goyal was present at the spot and currency notes were recovered from his possession. She further admitted that as per her statement made to police, Seema Rani was not present at the spot and no recovery was effected from her. She admitted that no sex determination machine was found at Tinku Beauty Fashion. She further admitted that as per seizure memo Ex.PW1/DB, nothing was recovered from accused Seema Rani. She also admitted that only accused Money Goyal was arrested at the spot. She admitted that she cannot say regarding the contents of the recovered articles from the spot and she cannot say as to

whether these articles were sent to any laboratory for verification or not. She admitted that Ivory White Powder is easily available in the market. She further admitted that she cannot say as to for which purpose the recovered articles are used. She admitted that as per statement of Goldy Rani dated 06.06.2019 Ex.PW2/D1, there is no reference of accused Seema Rani in the same. Ramesh Dutt, Director of Speed Search and Security Networks Pvt. Ltd. Chandigarh while appearing as PW5 admitted in his cross-examination that they have not verified about the ownership of Tinku Beauty Fashion. He admitted that accused Seema Rani was not present at the spot and nothing was recovered from her and even accused Seema Rani was not arrested at the spot. He further admitted that he cannot say about the contents of the recovered articles and for which purpose the same are used. He admitted that as per statement of Goldy Rani Ex.PW2/D1, no reference was made with regard to accused Seema Rani. He further admitted that as per seizure memo Ex.PW1/DB, nothing was recovered from the possession of accused Seema Rani. PW6 ASI Sinder Singh, investigating officer of this case admitted in his cross-examination that no recovery was made by them, rather the same was made by the team of doctors. He admitted that accused Seema Rani was not present at the spot. He further admitted that as per statement of Goldy Rani, there is no reference of accused Seema Rani. He admitted that as per Ex.PW6/D1, no dealing was done between Goldy Rani and Seema Rani. He admitted that no medicine was sent to any laboratory for verification. He further admitted that there is no

photograph of Seema Rani in the parcel Ex.MO1. He further admitted that no currency notes were recovered from accused Seema Rani. Further PW7 LC Parneet Kaur stated in her cross-examination that no alleged recovery was effected in her presence from accused Seema Rani. Similarly PW8 Sukhjinder Singh Gill, Superintendent of the office of Civil Surgeon, Patiala stated in his cross-examination that no alleged occurrence was happened in his presence. He further stated that neither he know the facts of the present case nor he know the parties to the case. He admitted that duration of posting of above said three doctors is not mentioned in the documents produced by him in the Court. He further admitted that as per Ex.PW8/B, posting order of Dr. Shelly is dated 09.01.2020. Similarly PW9 Bhupinder Singh, Senior Assistant of the office of Civil Surgeon, Patiala stated in his cross-examination that no alleged occurrence was happened in his presence. He further stated that neither he know the facts of the present case nor he know the parties to the case. He admitted that duration of posting of above said three doctors is not mentioned in the documents produced by him in the Court.

12. Thus from the above mentioned evidence, it is clear that the prosecution has miserably failed to bring home the guilt of accused beyond any shadow of reasonable doubt, rather there is absolutely nothing on record to connect the accused Seema Rani with the offence as alleged by the prosecution. As mentioned above, no recovery was effected from accused Seema Rani. Even as per seizure memo Ex.PW1/DB, nothing was recovered from accused Seema Rani, rather the articles in question

were recovered from Money Goyal. Further as mentioned above, even accused Seema Rani was not present at the spot nor she was arrested at the spot. Moreover, as per statement of Goldy Rani dated 06.06.2019 Ex.PW2/D1, no reference at all was made with regard to accused Seema Rani, rather all the allegations are with respect to Money Goyal. As also admitted by above mentioned prosecution witnesses, there is nothing on record to connect the accused Seema Rani with the shop in question. Further the prosecution witnesses clearly admitted that no sex determination machine was recovered from the shop and even the recovered articles including Ivory White Powder and Win-up capsules etc. were not sent to any laboratory for verification of their contents for testing purpose, rather all the prosecution witnesses clearly stated that they cannot say as to for which purpose the recovered articles are used. Thus from above, it is clear that the prosecution has miserably failed to prove the guilt of accused beyond any shadow of reasonable doubt, rather as discussed above, many discrepancies and loop holes has surfaced in the prosecution story.

13. Thus as a sequel to my above discussion, prosecution has miserably failed to prove the guilt of accused beyond all reasonable doubts by leading cogent and convincing evidence. So accused Seema Rani facing the trial deserves to be acquitted from the charges framed against him. Accordingly, accused Seema Rani is hereby acquitted from the charges framed against her by giving her benefit of doubt. Her bail bonds and surety bonds stand discharged. Case property, if any, be dealt

State Vs. Seema Rani
CIS No.: CHA/76/2020

UID No.PB0330

with as per rules after expiry of period of limitation for filing appeal or revision, or subject to the result of appeal or revision, if any. File be consigned to the record room, Samana.

Pronounced:
04.10.2024 .
(Varinder Singh, Stenographer-II)

(Rajinder Singh Nagpal),PCS
Sub Divisional Judicial Magistrate,
Samana/ UID NO. PB0330

Present: Ms. Shimpa, APP for the State.
Accused on bail with counsel Sh. V.K. Bansal, Advocate.

No defence evidence is present. Accused closed her defence evidence by suffering statement in this regard.

Final arguments heard. Vide my separate detailed judgment of today, accused Seema Rani is acquitted from the charges framed against her as detailed therein. Her previous bail bonds and surety bonds stands discharged. Case property if any, be dealt with as per rules after expiry of period of limitation for filing appeal or revision, or subject to the result of appeal or revision, if any. File be consigned to the record room after compliance.

Pronounced:
04.10.2024 .
(Varinder Singh, Stenographer-II)

(Rajinder Singh Nagpal),PCS
Sub Divisional Judicial Magistrate,
Samana/ UID NO. PB0330