



**ORDER BELOW EXH.1**

This is a case instituted otherwise than on police report. Briefly stated it is a case of complainant Shri. P.R. Jadhav that, he is working as Civil Surgeon cum Appropriate Authority and authorised to file the complaint under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition on Sex-Selection) Act, 1994 (hereinafter referred as 'The Act'). As per complainant, during inspection of sonography center of accused they found that 'F' form was not fully filled and report was not submitted to appropriate authority within time. Hence, this complaint.

02. My learned predecessor issued process against accused. The accused appeared and he was released on bail. The case was then posted for evidence before charge. Accordingly, the complainant examined himself vide Exh.50 and Dr. Bhanudas Laxman Survase vide Exh.71.

03. Heard both the sides. Perused the record. The learned APP has submitted that complaint is filed by Civil Surgeon who is appropriate authority. Since the year 2012 report is not sent by accused. Also board is not displayed in center. That there is sufficient evidence for framing charge. On the other hand, the learned

advocate for the accused has submitted that sonography center was closed four months prior to 18.06.2011 i.e. on the date of visit. That there is complaint that inspite of closure accused was running sonography center. The center is only in name of accused but actual sonography was done by another doctor. There is no sufficient evidence for framing charge against accused. Hence prayed for discharge of accused.

04. Perused the record. The testimony of complainant and witness is replica to the contentions made in complaint. The learned advocate for accused cross-examined complainant and Dr.Survase in part and reserved further cross-examination. As per case of complainant, on 18.06.2011 Dr. Survase who was holding charge of Civil Surgeon visited sonography center of accused and it was found that 'F' form was not fully filled, monthly sonography reports were not submitted to appropriate authority and record was not maintained. It can be seen from the record that earlier complaint was filed by Dr. Survase on 11.08.2011 and process was issued against accused. The order of issuance of process was challenged by the accused in Writ Petition No.348 of 2013. Said petition was allowed with directions to file complaint through Appropriate Authority. Thereafter present complaint is filed by complainant i.e. Civil Surgeon.

05. The inspection report is filed at Exh.100. There is specific mention that registration certificate and boards are displayed at waiting room and sonography room. It can be seen from the record

that center was closed by order dated 18.02.2011, but as per letter Exh.101 it can be seen that accused failed to send monthly sonography report since the month of April 2010. Also, it can be seen that though the witness has admitted that one Dr. Inge was conducting sonography, but the 'F' forms filed on record show signature of accused. It can also be seen that 'F' form is not fully filled. Bare perusal of documents filed on record shows that the accused has not maintained record properly. Thus prima facie, it appears that the accused has contravened provisions of sections 29 and rule 9(4) punishable under sections 23 and 25 of the Act. There is sufficient evidence to frame charge against accused for above offence. Hence the following order -

### **ORDER**

1. Charge for contravention of provisions of section 29 and rules 9(4) and 9(8) punishable under sections 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition on Sex-Selection) Act, 1994 be framed against accused.
2. Accused is directed to remain present on next date for framing charge.

Jalna.  
Date : 16.03.2026

(S.M. Padolikar)  
Chief Judicial Magistrate,  
Jalna.