



**ORDER BELOW EXH.141**

This is an application filed by learned APP for framing of charge. The accused resisted the application by filing say on application itself and prayed for discharge of accused.

02. Perused the record. This is a case instituted otherwise than on police report. Briefly stated it is a case of complainant that, complainant Shri. Jalamsing Davanji Valvi was working as Tahsildar, Jalna and was 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, 'Shubham Hospital' is owned by accused. On 18.06.2012 he and team members visited above hospital and verified record regarding sonography. They found that 'F' form was not fully filled. The accused had kept printed 'F' form and had printed right tick mark in 'F' form at serial no.10 column D. Also column 18 and 19 are not filled. Hence, this complaint under sections 23, 25, 26 and 29 of the Act.

03. 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.29. Apart from complainant, Dr. Pratap Ramrao Jadhav and Dr. Bhanudas Laxman Survase are examined vide Exh.127 and 140 respectively.

04. Heard both the sides. Perused the record. The learned advocate for the accused has placed reliance on observations of Hon'ble Apex Court in *Rustam s/o Ukarda Jadhav Vs. State of Maharashtra, 2016 ALL MR (Cri.) 248*, wherein it is observed that evidence of witness who have deposed particular incident not by recollecting evidence of that incident but what has been read out by him from police statement, short time before he deposed, becomes inadmissible.

05. The testimony of complainant and witnesses is replica to the contentions made in complaint. The learned advocate for accused cross-examined complainant and Dr.Jadhav in part and reserved cross-examination of CW-3. The witnesses have deposed that on their visit to hospital owned by accused, they found that 'F' form was not fully filled and some indications were already printed. Dr. Jadhav has specifically deposed that 'F' form indications are to be filled in own handwriting of doctor at the time of sonography, but all 'F' form indications were already filled by the accused. The 'F' form register filed on record shows that all the 'F' form indications are filled in printed form. These information is required to be filled in own handwriting during the process. This is suspicious. Also, column nos.18 and 19 are not filled and kept blank.

06. On bare perusal of documents filed on record, particularly 'F' form register, 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 rule 9(4) 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 : 30.12.2025

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