

MHJN030022012012



Presented on : 29 08 2012

Registered on : 30 08 2012

Decided on : 05 06 2026

Y M D

Duration : 13 09 07

**FORM NO. XXXII**

**Part- 'A'**

**(Para-44(i) of Chapter VI of Criminal Manual)**

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, JALNA.**

**( Presided over by : S.M. Padolikar )**

**Regular Criminal Case No.817/2012**

**Exh. No.238**

<b>COMPLAINANT</b>	Shri. J.D. Valvi Appropriate Authority and Tahsildar, Jalna R/o. Tahsil Office, Jalna, Tq. and Dist. Jalna.
<b>REPRESENTED BY</b>	Learned APP Smt. J.D. Rathod.
	<b><i>VERSUS</i></b>
<b>ACCUSED</b>	Dr. Nirmal Agrawal, Age: Major, R/o. Shubham Hospital, Mammadevi-Station Road, Jalna, Tq. and Dist. Jalna.
<b>REPRESENTED BY</b>	Adv. Shri. Y. G. Somani.

**Part- 'B'**

**(Para-44(ii) of Chapter VI of Criminal Manual)**

<b>DATE OF OFFENCE</b>	18.06.2012
<b>DATE OF FIR</b>	----
<b>DATE OF COMPLAINT</b>	29.08.2012
<b>DATE OF PLEA/CHARGE</b>	05.01.2026
<b>DATE OF COMMENCEMENT OF EVIDENCE</b>	10.06.2013 (EBC)

DATE ON WHICH JUDGMENT IS RESERVED	----
DATE OF JUDGMENT	05.06.2026
DATE OF SENTENCING ORDER, IF ANY	--

**Accused Details**

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during trial for purpose of Section 428, Cr.P.C.
1.	Dr. Nirmal Agrawal	--	07.11.2012	Sections 23 and 25 of PCPNDT ACT	Acquitted	--	--

**Part 'C'**

**LIST OF COMPLAINANT AND ACCUSED WITNESSES**

**A. Complainant :**

RANK	NAME	Exhibit No.	NATURE OF EVIDENCE
C.W.1	Jalamsing Davanji Valvi	Exh.29	Complainant
C.W.2	Dr. Pratap Ramrao Jadhav	Exh.127	Witness
C.W.3	Dr. Bhanudas Laxman Survase	Exh.140	Witness
C.W.4	Harish Giridhar Jangle	Exh.127	Witness

**B. Defence Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE
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**C. Court Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE
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**LIST OF COMPLAINANT / DEFENCE / COURT EXHIBITS**

**A. Complainant :**

Sr. No.	Exhibit No.	Description
1.	Exh.30 to 55	Form 'F'
2.	Exh.56	Panchnama
3.	Exh.58	Inspection Notes
4.	Exh.128	Page Nos.27 to 199 of 'F' form Register
5.	Exh.129	Notice given to accused
6.	Exh.130	Show cause notice given to accused.

**B. Accused :**

Sr. No.	Exhibit No.	Description
1.	Exh.237	Quarterly Inspection report.

**C. Court Exhibits :**

Sr. No.	Exhibit No.	Description
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**D. Material Objects :**

Sr. No.	Material Object Number	Description
1.	----	Form 'F' register.

**J U D G M E N T**

(Delivered on 05<sup>th</sup> June 2026)

This is a case instituted otherwise than on police report.

The accused is charged 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 of Sex Selection) Act, 1994 (hereinafter referred as 'PCPNDT Act').

02. 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 PCPNDT 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 in column D. Also column 18 and 19 are not filled. Hence, this complaint.

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, before framing of charge the complainant examined himself (C.W.1), Dr. Pratap Ramrao Jadhav (C.W.2) and Dr. Bhanudas Laxman Survase (C.W.3). Cross-examination of C.W.3 and part cross-examination of C.W.1 was deferred till framing of charge, whereas C.W.2 was cross-examined by learned advocate for the accused.

04. On basis of available evidence, I have framed charge against accused for contravention of provisions of section 29 and rule 9(4) punishable under sections 23 and 25 of the PCPNDT Act vide

Exh.227. The charge was read over and explained to accused in vernacular to which he pleaded not guilty and claimed to be tried.

05. Thereafter, the complainant and C.W.3 were cross-examined on behalf of accused. The complainant also examined Harish Giridhar Jangle. After closing of evidence of complainant, statement of accused under section 313 of Code of Criminal Procedure came to be recorded vide Exh.232. His defence is that of total denial.

06. Heard both the sides. Following points arise for my determination and I have recorded my findings thereon for the reasons to be followed -

<b>Sr.No</b>	<b>POINTS</b>	<b>FINDINGS</b>
1.	Does the complainant prove that : accused failed to maintain record and fill F-Form register ?	No.
2.	What order ?	: Accused is acquitted

### **R E A S O N S**

#### **AS TO POINT NOS.1 AND 2 :**

07. In view of section 28 of the PCPNDT Act, the court can take cognizance of the offence under the Act only if the complaint is made by the Appropriate Authority. The learned advocate for the accused has submitted that the complainant has no authority to file complaint. That Government Resolution relied upon by the

complainant shows power was delegated to complainant in the year 2017. On the other hand, learned APP has submitted that the complainant is Appropriate Authority and duly authorized to file complaint.

08. The complainant has deposed that, on 18.06.2012 he was working as Tahsildar, Jalna cum Appropriate Authority. In cross-examination the complainant has admitted that he was not authorized in writing to file complaint, but stated that there was oral order. Dr. Pratap Jadhav, who was working as Civil Surgeon on 18.06.2012, has stated that Tahsildar i.e. complainant was appointed as Appropriate Authority under the PCPNDT Act. Though there is no written order to show that the complainant was appointed as Appropriate Authority, but the copy of GR dated 16.10.2007 filed on record shows that every Additional Collector, SDO, Tahsildar, Naib Tahsildar, etc in the State of Maharashtra are appointed as Appropriate Authority under the PCPNDT Act in respect of area under their control/jurisdiction. It is not disputed that complainant was working as Tahsildar, Jalna on 18.06.2012. Thus considering above GR there appears no hurdle in concluding that complainant, being working as Tahsildar, is Appropriate Authority and empowered to file complaint under PCPNDT Act.

09. The testimony of complainant and witnesses is replica to the contentions made in complaint. As per their testimony, they visited clinic owned by accused and found that 'F' form is not duly 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. Dr. Survase has deposed that there was change in 'F' form. But the complainant and Dr. Jadhav have nowhere deposed that accused has changed 'F' form. Also, in show cause notice (Exh.130) issued to accused there is mention that accused has changed 'F' form as per his convenience. But approved proforma of 'F' form is not filed on record in order to ascertain any changes allegedly made by accused in 'F' form. Thus it becomes difficult to accept and reach to the conclusion that accused changed 'F' form. Moreover, mere making pre-indications in printed form cannot be termed as change in 'F' form. It can also be seen that there is inconsistency in the testimony of witnesses regarding alleged changes in 'F' form by the accused.

10. The witnesses have deposed that as they found lacunas in 'F' form, they seized 'F' form register and other record and prepared panchnama. Also sonography machine was sealed and handed over to accused. The witnesses have also deposed that report of inspection (Exh.58) was prepared. The witness Harish Jangle has deposed that he was present at the time of raid/visit and panchnama (Exh.56) was prepared in his presence. It is pertinent to note here that the complainant has nowhere deposed that panchnama was prepared in presence of Harish Jangle and it also bears his signature. If the panchnama is perused, it can be seen that entire panchnama and signature of complainant, accused and panch Rakhe is in black ink

and only signature of Harish Jangle is in blue ink. His name also appears to have written after preparing panchnama. Thus the panchnama appears to be doubtful.

11. It is significant to note here that the learned advocate for the accused has filed on record Quarterly Inspection Report (Exh.237) dated 08.06.2012 issued by Civil Surgeon. In the Format For Inspection Under PCPNDT Act, under the heading of maintenance of record, it is mentioned that it is complete and there was no seal or seizure as there was no contravention in maintenance of record. It is to be noted here that this inspection report is based on quarterly inspection by Civil Surgeon so there is no reason to doubt the same. The raid/visit in present case was done on 18.06.2012 i.e. 10 days after quarterly inspection. If there was any contravention in maintenance of record, it would have been reflected in Quarterly Inspection Report by Civil Surgeon. Further, as I have observed above, except bare contentions that accused has changed 'F' form, there is no iota of evidence to that effect. Merely because there are some pre-indications marked in form it cannot be said to be change in approved form. Moreover, as stated above, seizure and panchnama is doubtful and not duly proved. There is also inconsistency in testimony of witnesses. It is significant to note here that Dr. Jadhav, who was Civil Surgeon at the time of incident, has deposed that the notice issued to accused was on basis of report given by Tahsildar i.e. complainant. It thus appears that Dr. Jadhav personally have not gone through entire record and Quarterly Inspection Report in respect of visit conducted

just 10 days before his visit. Thus considering all above observations, in my view, the complainant has failed to prove guilt of accused beyond reasonable doubt. The accused, therefore, is certainly entitled for benefit of doubt and deserves to be acquitted. Hence I answer point no.1 in negative and in answer to point no.2 pass the following order -

**ORDER**

1. Accused Dr. Nirmal Agrawal is acquitted of the offence punishable under sections 23 and 25 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 for contravention of provisions of section 29 and rule 9(4) vide section 248 (1) of the Code of Criminal Procedure.
2. The bail bonds of accused stands cancelled.
3. Seized Form 'F' register be handed over to accused after appeal period is over.
4. As per Section 437-A of Code of Criminal Procedure accused shall execute personal bond and surety bond in the sum of ₹15000/- to appear before the Higher Court as and when notice in respect of any appeal is issued against the judgment.

(Judgment dictated and pronounced in open court)

Date: 05.06.2026

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

**CERTIFICATE**

I affirm that, this PDF file is word to word as per original Order/Judgment.

Name of Stenographer : Yashwant D. Wagh  
Name of Court : CJM, Jalna.  
Date of PDF : 05.06.2026.

Sd/-  
Signature.