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**State Vs. Dr. Anita Tandon and Rajni**  
CIS No. Chi/2521/2021

HRPP030101892017



Presented on : 28-08-2017  
Registered on : 28-08-2017  
Decided on : 25-11-2024  
Duration : 7 years, 2 months, 28 days

**IN THE COURT OF MAHENDRA SINGH,  
CHIEF JUDICIAL MAGISTRATE, PANIPAT  
UID NO.HR0352**

Criminal Case No.112 of 2021.  
Date of Institution: 28.08.2021.  
CIS Case Reg. No.CHI/2521/2021.  
Date of Decision: 25.11.2024.

State

Versus

1. Dr. Anita Tandon wife of Dr. Ramesh Tandon, resident of Tandon Hospital, Tehsil Road, behind Civil Hospital, Panipat.
2. Smt. Rajni wife of Sanjay Kumar, resident of house no.769/6 Ramesh Nagar, Tehsil Camp, Panipat.

.....Accused persons

FIR No. 99 dated 21.01.2016 under Section 3,4 and 5 of Medical Termination of Pregnancy Act,1971.  
Police Station: City, Panipat

Present: Sh.Vijay Kaushik, APP, for the State.  
Accused Anita Tandon and Rajni on bail.  
Sh. Pushpinder Pal Singh, counsel for accused Anita Tandon and Rajni.

**ORDER:**

Heard on charge.

2. Briefly stated, the case of prosecution is that a complaint

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was received by the police from Sudhir Batra, Civil Surgeon, Panipat to the effect that on 21.01.2016, a team was constituted by D.C. Panipat and Civil Surgeon, Panipat comprising the Duty Magistrate Hari Om Attri, Dr. Sudhir Batra, Deputy Civil Surgeon, Panipat, Dr. Shalini Mehta, Medical Officer and Parvinder Malik, DCO, Panipat. The team sent a decoy to the mediator namely accused Rajni. They took the decoy to Tandon Hospital for medial termination of pregnancy. When the decoy and the mediator reached Tandon Hospital along with attendant, they were directed to purchase the injection Fortwin and Ondatop. Before the doctor could inject loaded Fortwin, the team reached the spot and at once caught accused Dr. Anita Tandon along with the patient lying on the MTP table. Currency notes amounting to ₹3000/- were recovered from accused Rajni on the spot, which currency notes bore the signatures of the Duty Magistrate. The team also recovered instruments used in MTP section, the medicines and loaded injection of Fortwin, Ondatop, 5 MI Dispovan and cotton wool from the spot. The team checked the OPD register of the hospital wherein the name of the Decoy patient was not entered. The people from the locality were requested to become witnesses and two of them became ready. It was complained that Dr.Anita Tandon's Hospital was not registered under the MTP Act. The entire raid proceedings were conducted in presence of police. However, seizing an opportunity, accused Dr. Anita Tandon ran away from the spot. The complainant requested that FIR be registered against Dr. Anita

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Tandon and mediator Rajni and necessary action be taken against them. Consequently, a case was registered and investigated. Upon completion of investigation, the challan was submitted against accused Anita Tandon and Rajni for offences punishable under Sections 4 and 5 of Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as 'MTP Act').

3. Copy of challan was supplied to accused. On 31.03.2018, accused were charge-sheeted for commission of offence punishable under section 4 and 5 of MTP Act.

4. Accused challenged order dated 31.03.2018 by filing revision petition. Vide order dated 20.07.2019 of Sh. Sumit Garg, Ld.ASJ, Panipat, the revision was partly allowed and impugned order dated 31.03.2018 was set aside with the direction to pass the order afresh.

5. On 19.12.2019, accused were charge-sheeted for commission of offence punishable under section 312 read with section 511 of IPC and not under section 4/5 of MTP Act.

6. Accused challenged order dated 19.12.2019 by filing revision petition. Vide order dated 29.03.2023 of Sh. Ajay K. Verma, Ld.ASJ, Panipat, the revision was allowed and impugned order dated 19.12.2019 was set aside to the extent charge under section 312 read with section 511 of IPC was framed against them and court was directed to proceed in accordance with law.

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7. It is clear from above that revisionist court has held that no prima-facie case under section 4/5 of MTP Act and no prima-facie case under section 312 of IPC read with section 511 of IPC is made out against the accused persons. The orders dated 20.07.2019 and 29.03.2023 of Ld. Revisionist Court have not been challenged by prosecution. In view of the above mentioned facts and circumstances and in terms of orders dated 20.07.2019 and 29.03.2023 of Ld. Revisionist Court, I have no hesitation in holding that no case is made out against the accused persons.

8. In view of the above discussion, accused Anita Tandon and Rajni are discharged. At the request of counsel for accused persons, the earlier bail bonds and surety bonds are accepted for a further period of six months in compliance of section 437-A of Cr.PC. File be consigned to record room after due compliance.

**Pronounced in open Court**

On dated: 25.11.2024.

(Mahendra Singh)

Chief Judicial Magistrate, Panipat

UID No.HR0352.

Note: All the pages of this order have been checked and signed by me.

(Mahendra Singh)

Chief Judicial Magistrate, Panipat

UID No.HR0352.

Vikas Sharma (Stenographer-II)

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Present: Sh.Vijay Kaushik, APP, for the State.  
Accused Anita Tandon and Rajni on bail.  
Sh. Pushpinder Pal Singh, counsel for accused Anita Tandon and Rajni.

Arguments on charge heard. Order pronounced.

Vide separate detailed order of even date, accused Anita Tandon and Rajni have been discharged. At the request of counsel for accused persons, the earlier bail bonds and surety bonds are accepted for a further period of six months in compliance of section 437-A of Cr.PC. File be consigned to record room after due compliance.

Dated: 25.11.2024

Vikas Sharma Stenographer Gr. II

(Mahendra Singh)  
Chief Judicial Magistrate Panipat.  
UID No.HR 0352