

Application Nos.3180; 3181 and 3216

FIR No.344/19

PS Crime Branch

U/s 3/3A/4/6/18/22 P&D Act

State Vs     1) Aditya Kandoi  
                  2) Ritu Singh  
                  3) Yogesh Aggarwal

09.09.2021

**The Court of undersigned is having duty today as per Bail Duty Roster dated 17.08.2021.**

(Through Video Conferencing)

Present:     Sh. Santosh Kumar, Ld. Additional Public Prosecutor for the State through video conferencing (CISCO Webex).  
                  Sh. Pavan Narang, Ld. Counsel for accused/applicant through video conferencing (CISCO Webex).

The investigation officer of this case has sought his exemption from appearance and the prosecution sought time to file fresh reply in the matter.

Counsel for the applicants submitted that as directed by the court, applicants have joined the investigation.

The present case is under Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994. In one of his reply the investigation officer has said that the offence is very serious and sensitive and the accused are part of a vicious global racket in this crime of selective sex birth which is banned in India. The accused are allegedly running an entire company for this purpose which if true is very shameful. Although sex selection in India is banned, the general public perception is that it is easily available in clinics throughout the country and involvement of the companies will not only further aggravate the issue but will diversify the operations of such criminal activities. But despite understanding the gravity of the offence, the

investigation is going on at snail's pace and without any seriousness. The FIR is of October 2019 and no substantial progress has been made in the investigation.

PCPNDT Act was passed by the Parliament to stop female foeticide and to arrest the declining sex ratio in the country. The act was passed with stern provisions with intent to contain and finally eliminate the crime of female foeticide. In *Voluntary Health Assn. of Punjab v. Union of India, (2013) 4 SCC 1*, Hon'ble Supreme Court observed that the Indian society's discrimination towards the female child still exists due to various reasons which has its roots in the social behaviour and prejudices against the female child and, due to the evils of dowry system still prevailing in the society, in spite of its prohibition under Dowry Prohibition Act. That decline in the female child ratio all over the country leads to an irresistible conclusion that the practice of eliminating the female foetus by the use of prenatal diagnostic techniques is widely prevalent in this country. The Hon'ble Court held that female foeticide is the worst type of dehumanisation of the human race. Law prohibits it; Scriptures forbid it; philosophy condemns it; ethics deprecate it; morality decries it, and social science abhors it.

In the times when the government is running schemes like "beti bachao, beti padhao" all those who are involved in such nefarious activities needs a strong message that these feudal practices cannot be permitted at any cost. Those who commit such crimes are menace to society. In a civilized society there is no place for such crimes.

So, while the investigation has been quiescent all this while for almost two years, it's time for the investigation agency to be active now. Let the matter be brought to the notice of Deputy Commissioner

of Police Crime Branch, who shall supervise the further investigation of this case and shall ensure that the investigation is expedited. If no results are yielded despite this, court will not hesitate to report the matter to Commissioner of police for action.

Put up for consideration on 17.09.2021. Due to no change in circumstances, interim order to continue till next date. Copy of this order be sent to Deputy Commissioner of Police Crime Branch.

(SAMAR VISHAL)  
Addl. Sessions Judge-08  
West District, THC Delhi  
09.09.2021