

MHCC020118362017

**IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI****ORDER BELOW EXHIBIT 201****IN****SESSIONS CASE NO.604 OF 2017****(CNR NO. MHCC02-011836-2017)****IN****C.R.NO. 27 OF 2017****..Applicant****..Respondent****CORAM: H. H. THE ADDITIONAL SESSIONS JUDGE
SMT. PRIYA P. BANKAR
(COURT ROOM NO.41)****DATE: 17TH JUNE, 2023.****APPEARANCE:**

Accused in person.

Addl.PP. Mrs. Meera Choudhari-Bhosale for the State.

ORDER BELOW EXH.201

1. This application is filed by the accused to allow her permission for her pregnancy through test tube baby/IVF.

2. Prosecution has filed their reply at Exh. 2 and has opposed the application on the ground that application is not maintainable. If said permission is granted, accused will sought permission to visit the hospital and escort will be required. She will file bail application on that ground, and therefore, trial will be affected. The Hon'ble High Court has given direction to expedite the matter. The Criminal Bail Application filed by present accused and other accused is already rejected on merits by the Hon'ble High Court. This accused is residing in the vicinity of the Central Jail, Byculla. The witnesses in this case also stays in Byculla Jail and therefore, she will pressurize the said witnesses. The serious offence under section 302 IPC is pending against accused and therefore, prosecution has objected to allow the said application.

3. The serious allegations are levelled against accused and she is in jail. This Court has expedited the hearing of the matter and even given directions to dispose of the matter till October 2023.

4. The prosecution has already examined seven witnesses. As submitted on behalf of the prosecution that due to the pendency of this application on last two dates, though witness was present, it was not examined by the prosecution.

5. As it appears that as per directions of the Hon'ble High Court, the trial is likely to be completed in near future. There is substance in the contentions of the prosecution that if such type of permission will be granted, then there will be other applications also about the visit to doctor and for escorts and other reliefs. It will definitely burdened the prosecution.

6. The relief sought by accused is not sustainable while accused is arrested and kept in jail. The apprehension of the prosecution is that it will cause inconvenience for trial cannot be ignored. Therefore, I do not find, the application is sustainable. Hence, I proceed to pass following order:

ORDER

1. Application (Exh. 201) in Sessions Case No.604/2017 is rejected.
2. Accordingly, application (Exh. 201) in Sessions Case No.604/2017 is disposed of.



17/6/2023

(PRIYA P. BANKAR)
Addl.Sessions Judge,
City Civil & Sessions Court,
Gr. Mumbai

Dictated on : 17/6/2023
Transcribed on : 17/6/2023
Draft given on : 17/6/2023
Checked & corrected on : 17/6/2023
Signed on : 17/6/2023
Sent to Dept on :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
Upload Date	Upload Time	Name of Stenographer
20/6/2023	3.24 PM.	Mrs. Mrunal S. Pendkhalkar
Name of the Judge (With Court Room No.)		HHJ Smt. Priya P. Bankar (Court Room No. 41)
Date of Pronouncement of ORDER		17/6/2023
ORDER signed by PO. on		17/6/2023
ORDER uploaded on		20/6/2023