
(1991) 10 AP CK 0027

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 1250 of 1991

Dr. Ganni Bhaskara Rao

APPELLANT

Vs

State of A.P.

RESPONDENT

Date of Decision : 31-10-1991

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 201, 482
Penal Code, 1860 (IPC) — Section 201

Citation : (1992) 1 ALT 475 : (1992) 1 AnWR 174

Hon'ble Judges : Radha Krishna Rao, J

Bench : Single Bench

Advocate : C.B. Rama Mohan Reddy, for the Appellant; The Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Radha Krishna Rao, J.—This Criminal Petition is filed to quash the proceedings in C.C.No. 245/ 91 on the file of the III Additional Judicial First Class Magistrate, Rajahmundry, so far as against the petitioner herein. The allagation made against him is that is a Doctor and he admitted a patient in the hospital and did not intimate the same to the Police as required under the rules and so he is liable is for punishment for an offence u/s 201 I.P.C. it is a fact that A-1 admitted the patient in his nursing home and did not report to the Police for about one day. The admission was on 10-2-1991 and on the information given from the hospital on 11-2-1991 itself the Sub-Inspector of Police, III Town Police Station rushed to that hospital. This shows that A-1 had informed the Police within 4 hours and that within 24 hours the had informed the police within 4 hours and that within 24 hours the concerned Police were on the job. It is contended that this is a private hospital. At times immediately after the admission is made intimation can be given while attending the patient who is in a serious condition. When a patient is brought to the hospital in a serious condition the immediate attention of the Doctor will be to attend on the patient. Intimation to the Police will be sent immediately thereafter while attending the patient. In the case of Government

hospitals there is a well settled procedure. At the time of admission itself they send the intimation to the Police concerned. Since this is a new hospital established in 1988 and it is being run on a large scale they have yet to frame a procedure for recording dying declarations. In these circumstances when the Doctor sent the intimation to the Police one day late it cannot be said that he has committed an offence punishable u/s 201 IPC. Further no motive is attributed to the Doctor in sending the intimation lately. The only allegation is that there is 24 hours delay. Under these circumstances this Court on a perusal of the record and the charge-sheet feels that no case has been made out against the petitioner for the offence u/s 201 IPC and the same is quashed. It is left open to the authority to proceed against the other person. Accordingly the Criminal Petition is allowed.