

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 256 OF 2002

1. Sudhir s/o Vasantryao Wavare,
Age: 36 years, Occ: Business,
2. Vishvas s/o Vasantryao Wavare,
Age: 38 years, Occ: Business,
3. Vivek s/o Vasantryao Wavare,
Age: 47 years, Occ: Advocate,
4. Vasantryao s/o Atmaram Wavare,
Age: 69 years, Occ: Nil,
5. Sau. Vimalbai w/o Vasantryao Wavare,
Age: 56 years, Occ: Household,
6. Sau. Rohini w/o Vishwas Wavare,
Age: 37 years, Occ: Household,
7. Sau. Satyabhamabai w/o Keshavrao Naik,
Age: 68 years, Occ: Household,

All R/o. Deshpande Colony, Latur,
Tq. & Dist. Latur.

...Applicants

versus

The State of Maharashtra.

...Respondent

.....
Mr. S.C. Swami, Advocate h/f Mr. V.D. Gunale, Advocate for
applicants.
Mrs. M.A. Deshpande, A.P.P. for respondent
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CORAM : N.W. SAMBRE, J.

DATE : 10th SEPTEMBER, 2015

ORAL JUDGMENT :

This revision application takes exception to the order

dated 21/08/2002 passed by Additional Sessions Judge, Latur, whereby learned Sessions Judge has directed the P.S.O. Shivajinagar Police Station to file complaint against accused-applicant No.1-Sudhir in the Court of Chief Judicial Magistrate, Latur for the offence punishable under Section 182 of the Indian Penal Code, who was directed to take cognizance of such complaint and to expedite the hearing of the same.

2. The cause for ordering the action of registration of the complaint for the offence punishable under Section 182 of the Indian Penal Code is, applicant Sudhir has made incorrect statement as regards death of deceased due to heart attack and has tried to misguide the investigating officer. Learned Additional Sessions Judge noted that the accused has tried to provide false information with intent to cause public servant to use his lawful power to the injury of another person,

3. While recording the said findings, learned Sessions Judge has considered the voluntary conduct of the accused Sudhir of providing false information in the F.I.R. It is required to be noted that wife of accused Sudhir has committed suicide in which he was shown to be an accused and during his evidence he has narrated as to how she has committed the suicide. It is also required to be noted

that the accused Sudhir, at the time of lodging complaint was in know of the fact that his wife has committed suicide.

4. The plausible explanation tendered by the present applicant Sudhir to the above act was, to escape from the clutches of law, he has narrated incorrect cause of death.

5. The above referred submissions and stand of the present applicant No.1 Sudhir if evaluated, it is required to be noted that both the Courts below have noted that accused Sudhir has provided false information to the investigating officer and as such, liable to be prosecuted under Section 182 of the Indian Penal Code.

6. Learned Sessions Court, while considering explanation tendered by accused Sudhir before ordering action under Section 182 of the Indian Penal Code, has not considered the same in its true perspective. The offence punishable under Section 182 of the Indian Penal Code is punishable with imprisonment of six months and the incident in question took place some time in March 2000.

7. In view of lapse of 15 years period, no action till date under Section 182 of the Indian Penal Code is initiated, it will be appropriate, in my opinion, to allow the revision, for the reasons

stated herein above. Hence, I pass the following order.

The order dated 21/08/2002 ordering action against applicant No.1 Sudhir pursuant to Section 182 of the Indian Penal Code directed to be initiated by P.S.O. Shivajinagar Police Station, is hereby quashed and set aside.

8. Rule made absolute in above terms. Criminal Revision Application is allowed.

[N.W. SAMBRE, J.]

Tupe/10.09.15