

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 108 OF 2016

Gurumit Ganga Singh Barad

... Applicant

V/s.

State of Maharashtra & Ors.

... Respondents

...

Mr. Ashok Kumar Hiralal Prajapati for the Applicant.

Mr. K. V. Saste, APP for the Respondent Nos. 1 & 2.

Ms. Deepica Rajendra Arora Respondent No. 2 in person.

CORAM : A. S. OKA & A. A. SAYED, JJ.

DATE : 30 AUGUST, 2016.

P.C. :

1. After arguing the application for some time the learned counsel appearing for the applicant seeks permission to withdraw the application with liberty to file appropriate proceeding before the Sessions Court. Accordingly, the application is disposed of as withdrawn with liberty as prayed. All contention on merits are kept open.

2. In terms of order passed by this Court on 17th June 2016, notice has been issued to Shri K. R. Pandey, a Notary Public. He has filed an affidavit dated 12th July 2016. We have perused the affidavit

of the 3rd Respondent allegedly affirmed before the said Notary Public. We find from the affidavit that no Advocate has identified the declarant. The Notary Public has not stated that either he personally knew the declarant or that he has verified the identity of the declarant on the basis of authentic documents. In the affidavit, the Notary has stated that Pan Card was produced by the 3rd Respondent and that signature of the 3rd Respondent was taken in the Register. A photo copy of the relevant page of the the register is annexed to the affidavit.

3. When an affidavit is affirmed before a Notary Public, the declarant has to be either identified by an Advocate or by a person who is well known to the Notary Public. If the declarant is personally known to the Notary Public, on the affidavit, the Notary Public has to make an endorsement that he personally knows the declarant. If the Notary Public has satisfied himself about the identity of the declarant after perusing the authentic documents such as Pan Card, Aadhar Card, Passport etc. such endorsement has to be made on the affidavit itself with material particulars of such

document.

4. We have perused the Notarial Register. The signature of the 3rd Respondent appears and Pan Card number has been mentioned. Though the Notary Public has failed to make proper endorsement on the affidavit. In view of the entries in register, we deem it proper not to take any further action against the Notary Public. Hence notice issued to the Notary Public is discharged.

(A. A. SAYED, J.)

(A. S. OKA, J.)