

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2397 OF 2017

Santosh Arjun Chavan	...Petitioner
vs.	
The State of Maharashtra	...Respondent
.....	
Mrs. Farhana Shah, Advocate for the petitioner.	
.....	
Mr. Arfan Sait, A.P.P. - State.	

**CORAM : SMT. V.K. TAHILRAMANI &
M.S.KARNIK, J.J.**

DATE : 28th NOVEMBER, 2017.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, J.):-

Heard both sides.

2. The petitioner preferred an application for parole on 1/7/2016 on the ground of illness of his wife. The said application was rejected by order dated 28/10/2016. Being aggrieved thereby the petitioner preferred an appeal. The appeal was dismissed by order dated 18/2/2017. Hence, this petition.

3. In order to substantiate the fact that the wife of the petitioner is ill, the petitioner has relied on ten medical certificates. The certificates are dated 27/5/2016, 27/5/2016, 20/7/2016, 18/9/2016, 18/9/2016, 19/10/2016, 30/12/2016, 27/2/2017, 30/3/2017 and 7/4/2017. The first two certificates are dated 27/5/2016. They are purportedly signed by Dr. D.P. More. The first certificate shows that it is signed by Dr. D.P. More, who was attached as Medical officer to the Primary Health Center at Bhandarkavathe in South Solapur, District Solapur. The second certificate which is also dated 27/5/2016 is also purported to be signed by Dr. D.P. More. However, this certificate shows that it was issued by the Primary Health Center, Itkur, Taluka Kalamb, District Osmanabad. Thereafter, there is one certificate dated 20/7/2016 and two certificates dated 18/9/2016, which are also purportedly issued by Dr. D.P. More, attached to Primary Health Center, Itkur, Taluka Kalamb, District Osmanabad. Thereafter, there are five certificates dated 19/10/2016, 30/12/2016, 27/2/2017, 30/3/2017 and 7/4/2017. All these certificates are of Primary Health Center,

Itkur, Taluka Kalamb, District Osmanabad. These certificates are purportedly signed by Dr. D.P. More.

4. The statement of Dr. D.P. More has been recorded on 22/11/2017 and he has stated that the signature on both the certificates dated 27/5/2016 are not his. He has further stated that on 27/5/2016, he was attached to Primary Health Center, Bhandarkavathe in South Solapur, District Solapur and he has not issued the said certificates. Except the certificates dated 27/2/2017, 30/3/2017 and 7/4/2017 as far as the year is concerned there is overwriting. Dr. More stated that he has not carried out any overwriting in any of these certificates. Dr. More has stated that he was attached to Primary Health Center, Itkur, Taluka Kalamb, District Osmanabad from 20/12/2016. Thus, it is seen that Dr. More have not issued any certificate prior to 20/12/2016. As far as certificate dated 30/12/2016, 27/2/2017, 30/3/2017 and 7/4/2017 though they are purportedly issued by the Primary Health Center, Itkur, Taluka Kalamb, District Osmanabad, Dr. More states that there is no

report of any such patient in the OPD Register at Itkur. The statement of Dr. More and ten certificates are taken on record and marked 'X' for identification. Thus, it is seen that the petitioner has relied on false and fabricated certificates in order to substantiate his claim that his wife is ill. The petitioner has not come to the Court with clean hands. Such person does not deserve any exercise of discretion in his favour. In view of the above fact, no case is made out for interference.

5. Rule is discharged.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI J.)