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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 916/2017

MOHAN LAL Appellant

Through : Appellant in person.

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through : Mr. Amit Gupta, APP for the State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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27.09.2017

Crl. M.A. No. 16314/2017 (condonation of delay)

Delay condoned. Application is disposed of.

CRL.A. no. 916/2017

Petitioner is father-in-law of respondent no. 2. It appears that there is marital discord between the respondent no. 2 and his wife, that is, daughter of petitioner. Respondent no. 2 filed a complaint against his wife, wherein petitioner was also impleaded. It appears that a Revision Petition was also filed by the respondent no. 2 before the Additional Sessions Judge, Delhi. Grievance of the petitioner is that certain interpolations were made in the paper book of the Revision Petition. According to him, in the affidavit filed by the respondent no. 2 in Court, the word "deponent" was changed as

“revisionist”; whereas in the copy of the paper book, supplied by respondent no. 2, the word “deponent” was mentioned. In the supporting affidavit of application also, the word “deponent” was corrected as “revisionist”. However, in the copy supplied to the petitioner, the word was mentioned as “deponent”. Certain copies of the impugned order dated 24th November, 2016 passed by the trial court along with the Revision Petition have been filed on record. However, instead of supplying copy of certified copy of the said order, respondent no. 2 supplied typed copy of the order running into two pages. Learned Additional Sessions Judge has held that this did not amount to perjury in the court record. If the paper book supplied to the petitioner was in variance with the court record that could not amount to perjury in court record. Trial court has noted that petitioner was fully aware about the contents of the impugned order challenged in the Revision Petition as he was one of the party before the trial court. There was no prejudice caused to him. Additional Sessions Judge has also noted that court should be cautious in invoking the power conferred by Section 340(1) read with Section 195(1)(ii) Cr.P.C. and one party cannot be allowed to invoke the said provision in order to seek personal vengeance against the opposite party. It is only when court deems it in the expedient of justice to do so,

such power should be exercised in appropriate cases.

I do not find any illegality in the view taken by the trial court. There are litigations pending between the respondent no. 2, petitioner and petitioner's daughter in different courts. That apart, discrepancy as pointed out by the petitioner does not amount to perjury and/or forgery in court record. No court record appears to be tampered with. I am also in agreement with the learned Additional Sessions Judge that Section 340(1) read with Section 195(1)(ii) Cr.P.C. cannot be invoked by such a person, that is, petitioner, who has personal vendetta against the respondent no. 2.

Accordingly, appeal is dismissed.

A.K. PATHAK, J.

SEPTEMBER 27, 2017

r.bararia