

vks

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

WRIT PETITION NO.670 OF 2018

P. Ponraj	...	Petitioner
V/s.		
State of Maharashtra and ors	...	Respondents

Mr.Jitendra B. Mishra, for the Petitioner.
Mr. A.R.Metkari, AGP for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 18th APRIL, 2018.

P.C. :

1] Heard learned counsel for the petitioner and learned AGP for the State.

2] By this petition filed under Article 227 of the Constitution of India, the petitioner is challenging the order dated 31st October, 2017, passed by the Joint Charity Commissioner, Maharashtra State, Mumbai., in Appeal No.592 of 2015.

3] The said appeal was preferred by the present petitioner being aggrieved by the judgment and order, passed in Misc. Application No.ACC-III/655/2013 dated 21.11.2015, by Assistant Charity Commissioner-III, Greater Mumbai Region, Mumbai

4] Misc. Application was filed by the present petitioner for

taking action against respondent for the perjury and for contempt of Court, on the ground that the respondent has made false statements before the Assistant Charity Commissioner, which are contradictory to each other. Both the trial Court and the Appellate Court, have considered in detail the grievance raised by the petitioner about respondent making such false statements and came to the conclusion that no such perjury as alleged by the petitioner or the Contempt of Court is committed by the respondent. Both the trial Court and Appellate Court have come to the conclusion that as the cross examination was recorded after delay of 3 years, there may be some discrepancies but on that count it cannot be inferred that respondent has intentionally made these false statements.

5] In view thereof, no perversity is found in the impugned order passed by the trial Court and confirmed by the Appellate Court. Therefore, in writ petition, this Court should refrain itself from re-appreciating the pure finding of fact recorded by the trial Court and confirmed by the Appellate Court, and substitute its own opinion in place of the opinion or view taken by the Courts below. This Court need not elaborate the scope of writ jurisdiction which is confined merely to ascertain whether the Courts below have acted within their jurisdiction and it can be seen that no such jurisdictional error is pointed out. Both the the Courts below have given legal and valid

reasons as to why proceedings of perjury or or action of contempt of Court cannot be initiated against respondent.

6] The Writ Petition, therefore, being without merit stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]