

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

SUO MOTU CRIMINAL APPLICATION (APPLN) NO.22/2018
ARISING OUT OF WRIT PETITION (CIVIL) NO.2077/2004 (D)

(Suo Motu) Courts on its own motion
...Versus...
Ramesh s/o Maruti Rangari and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. Anilkumar, Counsel for respondent no.1
Ms T.H. Udeshi, APP for respondent nos.2, 3 & 7 - State
Shri S.M. Ukey, Counsel for respondent nos.4 and 5

**CORAM : R.K. DESHPANDE AND
ARUN D. UPADHYE, JJ.**

DATE : 06/08/2018

1. The document (Exh.G) which is birth certificate issued by the Nagpur Corporation, Nagpur on 7/2/1992 created doubt about the genuineness of the claim of the petitioner in respect of his date of birth as 11/4/1948 as the said document indicated the place of birth as "Home" and the name of the father of the child born was shown as "Naik Maroti Rangari". Therefore, the proceedings were initiated proposing to take action in respect of it.

2. On 25/7/2018, we passed the order as under :-

“Issue notice to the respondent No.6 – Business Manager, Mure Memorial Hospital, Nagpur and also to the respondent No.4 – Nagpur Municipal Corporation through its Municipal Commissioner, Civil Lines, Nagpur and respondent No.5 – Registrar of Birth and Death through its Statistical Department of Nagpur Municipal Corporation, Civil Lines, Nagpur to file affidavit as to the genuineness of the documents which are placed on record of this suo motu criminal application. In spite of service of notice, none appears for the respondent Nos.4, 5 and 6. The affidavit also not filed.

We direct the Registrar of Birth and Death, Statistic Department of Nagpur, Municipal Corporation, Civil Lines, Nagpur and Business Manager, Mure Memorial Hospital, Nagpur to remain present personally before us on 06.08.2018.”

3. In response to the aforesaid order, the respondents concerned are personally present before this Court. It is brought to our notice that in all copies of birth certificates produced on record there is no change in the date of birth which is shown as 11/4/1948 in respect of male child born to Yemuna Rangari and Naik @ Maroti Rangari. Before us both the authorities, namely, one Mure Memorial Hospital, Nagpur and the other of the Nagpur Municipal Corporation, Nagpur are stating that the certificates indicating the date of birth are

correct and genuine. However, the authority under the Nagpur Municipal Corporation has stated that the certificate bearing No.18865 wrongly shows the place of birth as “Home” and the name of father.

4. We do not find any reason to disbelieve this statement and to initiate action. Hence, we drop the suo motu criminal proceedings. The suo motu criminal application is disposed of accordingly.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)

Wadkar, P.S.