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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

908 CRIMINAL APPLICATION NO.2319 OF 2020

**GAJENDRA ONKAR KANADE
VERSUS
THE STATE OF MAHARASHTRA AND ANR.**

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Mr R. B. Ade, Advocate for applicant;
Mr S. D. Ghayal, A.P.P. for respondent No.1;
Mr S. B. Deshpande, Advocate for respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 22nd April, 2021

PER COURT:

1. The applicant is accused No.5 in First Information Report No.0183/2020, registered on 30/09/2020.

2. We have heard the learned Advocate for the applicant, the learned Prosecutor on behalf of respondent No.1 and the learned Advocate on behalf of respondent No.2, original informant. With their assistance, we have perused the first information report and the paper-book.

3. The learned Advocate for the applicant submits that he has been instructed to canvass before this Court that he was appointed as an in-charge Headmaster on 01/08/2014 and he was not the in-charge

(2)

Headmaster when the alleged incident occurred on 14/01/2013. The informant has alleged in the first information report that a fictitious selection process was conducted and she was defrauded of an amount of Rs.12,50,000/-, which was extracted from her with an assurance that she would be appointed as the Headmistress.

4. The learned Advocate for the applicant, accused No.5, specifically submits on instructions that he had no connection with the selection process, was not party to the selection process and was not instrumental in facilitating the selection of any H.M.

5. The learned Prosecutor has placed before us a communication from the Chairman of the Education Trust to the Regional Deputy Commissioner, Social Welfare Department, Nasik, dated 23/09/2019, wherein the names of the selection committee have been set out. The applicant herein was a member of the selection committee in his capacity as a special teacher. The learned Prosecutor, therefore, submits that the statement of the applicant that he was not connected with the selection process, is a lie and an attempt to mislead the Court.

6. The Honourable Apex Court has dealt with cases of litigants attempting to mislead the Court for self serving purposes, in the matters of **Kishor Samrite Vs. State of Uttar Pradesh, (2013) 2 SCC**

398 and Bhaskar Laxman Jadhav Vs. Karmveer Kakasaheb Wagh Education Society, (2013) 11 SCC 531. The Honourable Apex Court has ruled that a litigant misleading the Court for extracting a favourable order, should be penalized by refusing relief, even if he may have an arguable case on merits. In the case in hand, the applicant prays for quashing of the first information report only on the ground that he was unconnected with the selection process, in which an alleged fictitious selection procedure and an illegal selection was carried out. It is, therefore, apparent that as the applicant was a member of the selection committee, he cannot steer away from the selection process and the contention that he was never a part of the selection committee, being a false statement, itself reveals that this Court has been misled by the applicant, original accused No.5, namely, Gajendra Onkar Kanade.

7. In view of the above, this application is dismissed by imposing costs of Rs.25,000/-. The said amount shall be deposited in this Court on or before the 10th day of June 2021 and such amount shall be transferred as donation to the Police Welfare Fund of the office of the District Superintendent of Police, Dhule, so as to be utilized for COVID treatment in connection with the families of the police personnel under his jurisdiction.

(4)

8. If the said amount is not deposited in this Court, the District Collector, Dhule shall initiate a proceeding under the Maharashtra Land Revenue Code, 1966 by treating the said amount to be arrears of the land revenue and recover the same accordingly.

9. Compliance of the above directions shall be reported to this Court by the learned Registrar (Judicial).

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

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