

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CRIMINAL APPEAL NO.58 OF 2021

**RAHUL SHANKARRAO WADHAVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Appellant-in-person is present
Mr. S. P. Sonpawale, APP for the respondent/State
Mr. Joslyn Anthony Menezes, Advocate for the
respondent No.4

CORAM : N. R. BORKAR, J.

DATE : 09-12-2021

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. This appeal takes an exception to the order dated 07-11-2020 passed by the Family Court, Aurangabad, below Exh.8 in Civil M.A.NO. 12 of 2019.

2. The appellant herein had filed an application under Section 340 of the Code of Criminal Procedure. The said application came to be rejected by the order impugned.

3. I have heard the appellant in person and the learned counsel for the respondent No.4.

4. It appears that respondent No.4 herein had filed Civil M. A.No. 12 of 2019, before the Family Court, Aurangabad against the present appellant. According to the appellant the respondent No. 3, who at the relevant time was working as Superintendent, had issued summons to him without there being any order of the court. According to the appellant the date of issuance of summons was 18-07-2019 and he was called upon to appear within three weeks, whereas the date of appearance was 19-07-2019. According to the appellant, in the copy of application which was supplied to him with summons the provision of law, under which it was filed, was not mentioned. He, therefore, sought information under the Right to Information Act, as to under which provision application was made. It is stated that he was directed to obtain certified copy. According to the appellant, as directed he obtained the certified copy and he found that title clause and claim clause were unauthorizedly amended by the respondent No. 4 in her handwriting. The application was thus filed under Section 340 of the Code of Criminal Procedure seeking initiation of criminal prosecution against the respondent Nos. 3 and 4 as according to the appellant said unauthorized

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alteration was done by the respondent No.4 in-
connivance with respondent No.3.

5. The application is conspicuously silent as to which offence referred to in clause (b) of the Sub-section (1) of Section 195 of the Code of Criminal Procedure is attracted in the present case.

6. The learned Family Court was, thus, justified in rejecting the application. Therefore, no interference is called for in the order impugned. The appeal is dismissed.

[N. R. BORKAR, J.]

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