

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

CRIMINAL APPLICATION (APPP) NO.1308/2021

IN

CRIMINAL APPLICATION (APL) NO.186/2021

Dr.Jesus s/o Dr.Ramesh Waghale

..vs..

The State of Mah., thr. PSO PS Ajani, Ajani, Nagpur and anr

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

Court's or Judge's Order

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Shri S.D.Zoting, Counsel for the Applicant.
Shri S.M.Ghodeswar, Addl.P.P. for the State.

**CORAM : V.M.DESHPANDE &
AMIT B.BORKAR, JJ.**

DATED : AUGUST 17, 2021.

1. Heard learned counsel Shri S.D.Zoting for the applicant.
2. This is an application for correction of surname of the applicant.
3. The applicant filed proceedings as Criminal Application (APL) No.186/2021 under Section 482 of the Code of Criminal Procedure before this Court for quashment of First Information Report No.463/2020 registered with Ajani Police Station, Nagpur for offence punishable under Section 420 of the Indian Penal Code. The said proceedings were disposed of by this Court (Coram : Z.A.Haq & Amit B.Borkar, JJ.) on 23.2.2021.
4. The present application is filed by the applicant

for correcting his surname. In main proceedings as well as in the judgment, surname of the applicant is typed as “Dr.Jesus s/o Dr.Ramesh Waghale”, however learned counsel for the applicant submitted that his surname is “Waghade” and not “Waghale”. For that, he filed on record photocopies of Pan Card and Aadhar Card which show that surname of the applicant is mentioned in all official records as “Waghade” and not “Waghale”.

5. Learned counsel for the applicant submitted that due to his mistake wrong surname of the applicant is mentioned. He tenders apology also.

6. During the pendency of the main proceedings, an application for amendment was moved which was registered as Misc.Criminal Application No.161/2021. The said application was filed on 28.1.2021. Even in the said application, learned counsel for the applicant did not correct surname of the applicant as “Waghade” in stead of “Waghale”.

7. This is really a sorry state of affair that Advocate without verifying name of the applicant is blindly filing applications.

8. This Court is of view that for the fault on the part of Advocate litigant should not suffer. Therefore, we are allowing this application and thereby correcting surname of the applicant from “Waghale” to Waghade”. However, the same shall be subject to payment of costs of Rs.5000/- to be deposited with the High Court Legal Services Sub Committee

at Nagpur within a period of one week from today.

9. It is made clear that the said costs shall be borne by Advocate himself.

10. After payment of the costs, receipt should be placed on record and after payment of the costs only, there shall be correction in surname of the applicant in judgment passed by this Court (Coram : Z.A.Haq & Amit B.Borkar, JJ.) on 23.2.2021 and corrected copy of the judgment shall be uploaded.

JUDGE

JUDGE

!! BRW !!

...../-