

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

WRIT PETITION NO.2570 OF 2023

**SHALINI GHANSHYAMRAO SALVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Tapse Ashok Ramdhan
AGP for Respondents 1 and 2/State : Shri S.P. Tiwari

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 27th April, 2023

Per Court :-

1. Pursuant to our order dated 06.03.2023, the Petitioner has filed an affidavit dated 19.03.2023.
2. We had directed in paragraph 8 of the order dated 05.04.2023, that the learned Registrar (Judicial) of this Court shall place the copy of the said order before the learned Principal District and Sessions Judge, Parbhani, to bring it to the notice of the learned Judicial Magistrate First Class Shri C.U. Telgaonkar (JMFC). The learned Judge has placed a detailed report dated 17.04.2023 before us.

3. After reading our order, the learned JMFC realized that the Petitioner has resorted to a blatant suppression of material facts while seeking the order dated 04.11.2022 in Criminal M.A. No.258/2022, by which she was permitted to record a new date of birth. Following are the false/ misleading statements made by the Petitioner before the concerned learned Judicial Magistrate First Class (JMFC):-

(a) That the Petitioner (Shalini) is a housewife.

FACT: The fact is that she is an employee in the Forest Department.

(b) Her date of birth was never registered anytime.

FACT: The fact is that her date of birth was registered and she desires to change it from 25.06.1969 to 25.06.1975.

(c) That, by falsely stating that her date of birth was never registered anytime before, she sought an order from the learned JFMC to register her date of birth as 25.06.1975 so as to surreptitiously get her date of birth corrected in her service record.

4. In view of the above, we direct the learned JMFC Court No.4, Parbhani, to initiate an appropriate legal action against the Petitioner on account of her conduct, by following the

due procedure laid down in law.

5. Insofar as the above conduct of the Petitioner, we are reminded of the law laid down by the Honourable Supreme Court in *Kishore Samrite v/s State of Uttar Pradesh, (2013) 2 SCC 398* and *Bhaskar Laxman Jadhav and others vs. Karmaveer Kakasaheb Wagh Education Society, AIR 2013 SC 523*. The Honourable Supreme Court has held that when a litigant suppresses material information or attempts to mislead the Court, such litigant has to be dealt with sternly and without showing any leniency, such litigant should be deprived of benefits, which are attempted to be acquired through such a fraudulent conduct.

6. Though we have been frequently showing leniency towards litigants, who attempted to play tricks on the Court, this is one case wherein we convinced that we need to take a stern view. It is quite shocking that the present Petitioner not only falsely stated before the learned JMFC that she is a house maker (unemployed) and she was born in her father's residence, she also falsely contended that registration of her birth was not made since her parent's did not know that the registration of the birth is required to be made. She, therefore, prayed that the date of birth as 25.06.1975 be recorded as there is no such record available.

We also find that, after the learned JMFC directed her to get a notice published in a largely circulated newspaper, she chose one a newspaper by name “Dainik Gavwala” for getting the notice published, which newspaper hardly has any circulation.

7. We are astonished by the courage of the present Petitioner in making a planned and deliberate act of misleading the learned JMFC with the sole purpose of acquiring a favourable order. This would have been a fit case to be dismissed by imposing costs of Rs.1 lakh.

8. The learned Advocate for the Petitioner prays for leniency.

9. In view of the above, **this Writ Petition is dismissed** by imposing costs of Rs.25,000/- (Rupees Twenty Five Thousand), which the Petitioner shall deposit in this Court within 15 (fifteen) days, from her salary bank account.

10. We direct the learned Registrar (Judicial) of this Court to place a copy of this order before the District Forest Officer, Parbhani, for recording this order in the service book of the Petitioner.