

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Writ Petition No.5065 of 2022

Vastad Anna Bandagar,
Age : 34 Yrs, Occ.Aгри,
R/o Anakdhal,
Tal.Sangola, Dist.Solapur.

... Petitioner.

Versus

1. The State of Maharashtra
2. Gramsevak,
Grampanchayat, Goudwadi,
Tal.Sangola, Dist.Solapur.
3. Aakaram Pandurang Bandagar
Age : 36 Yrs, Occ.Aгри,
R/o Anakdhal,
Tal. Sangola, Dist.Solapur.

... Respondents.

Mr BA Lawate, Advocate for the Petitioner.
Mr RM Pethe, APP for State.
None for respondents No.2 and 3.

Coram : R. N. Laddha, J.

Date : 3 November 2023.

P.C. :

Heard Mr BA Lawate, the learned Counsel for the petitioner and Mr R.M.Pethe, the learned APP for the State.

2. On perusal of the records, it reveals that the petitioner's

wife had contested and won the Grampanchayat Election. However, respondent No.3, who was opponent No.2 therein, filed an application with the District Collector to disqualify her on the grounds that she has three children. Subsequently, the petitioner had filed an application under Section 13(3) of the Registration of Births and Deaths Act, 1969 (hereinafter referred to as 'the Act') with the learned trial Court bearing Criminal Miscellaneous Application No.569/2018 contending that his daughter had passed away on 14.10.2014 and sought directions to the concerned authority to take entry of death of his daughter. The learned trial Court, however, rejected the petitioner's application. The operative order of the learned Magistrate dated 11.03.2020 reads thus;

"1) The application stands rejected.

2) Opponent No.2 is directed to submit a copy of his statement (Exh. 18) to the Court (with the changes mentioned in clause 3 of the order). The complaint shall be recorded as per Sections 195 and 420 of the Indian Penal Code against the applicant.

3) In order to avoid any technical difficulties while filing the complaint, the name of the complainant and accused, along with their respective addresses, should be mentioned instead of the applicant and opponent as mentioned in (Exh.18). The statement (Exh.18) should be submitted to the Court after making the necessary changes.

4) The Assistant Superintendent of the Magistrate's Court, Sangola, is directed to file a complaint against the applicant after filing a copy as stated above by opponent No.2."

(The translation from Marathi to English)

3. As per the trial Court's direction, a complaint was filed against the applicant. The learned Magistrate issued a process against the petitioner for an offence punishable under Section 420 of the Indian Penal Code, as per his order dated 11.2.2021. The petitioner challenged the said order of the Magistrate by filing a revision application bearing No.21 of 2020. However, the revision application was dismissed.

4. Being aggrieved and dissatisfied by the aforesaid impugned order dated 4.3.2022 passed by the learned Additional Sessions Judge, Pandharpur, the petitioner approached this Court.

5. The learned Additional Sessions Judge, while upholding the findings of the learned trial Court, found that though the petitioner claims that the child died on 14.10.2014, the vaccination records show that the child was vaccinated for Polio and BCG on 20.10.2014 and thereafter. Additionally, the petitioner was a member of a Grampanchayat prior to 2017 and was well aware of the election proceedings. Hence,

it cannot be said that the entry of the child's death was not taken due to any inadvertence. The learned Additional Sessions Judge, in his impugned judgements and order, has thoroughly dealt with all the contentions of the petitioner and has rightly upheld the impugned order of the trial Court. There appears to be no error in the impugned judgments, and there was sufficient ground for proceedings against the petitioner.

6. Accordingly, the writ petition stands dismissed.

[R. N. Laddha, J.]