

SA Pathan

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

WRIT PETITION NO.15300 OF 2023

Ramprakash Ramprajalit Singh ... Petitioner
V/s.
Premprakash Ramprajalit Singh ... Respondent

Mr. I. N. Singh, for Petitioner.

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Date: 12.13.2023
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CORAM : AMIT BORKAR, J.

DATED : DECEMBER 13, 2023

P.C.:

1. The Trial Court by the impugned order refused to initiate proceeding under Section 340 of the Code of Criminal Procedure, 1973 to file complaint for offence under Section 195 of the Indian Penal Code, 1860.
2. According to the petitioner, the non-applicant had made three times inconsistent statements on three different points and, therefore, it amounts to false statement in the Court's proceeding under Section 195 of the Indian Penal Code, 1860.
3. On perusal of Section 195 of the Indian Penal Code, 1860 making inconsistent statements in the Court's proceeding does not amount to making false statements, unless deliberate intention to create false evidence or deliberate intention to make false statement is proved. In the facts of the case, the Trial Court has

rightly held that the applicant has failed to show the deliberate intention to create false evidence or fabricated evidence. Therefore, no case to interfere in the impugned order is made out.

4. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)