

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10868 OF 2024**

Rajani Mahavir Jagdale

... Petitioner

versus

The State of Maharashtra and ors.

.... Respondents

Mr. Sachin Deokar, Advocate for the Petitioner.

Mr. S. D. Rayrikar, AGP for the State-Respondent Nos.1 and 2.

CORAM : R. M. JOSHI, J.

DATE : 12th AUGUST, 2024.

P.C. :

1. Heard.

2. Learned counsel for the petitioner submits that the order passed by Tahsildar, Karmala dated 22nd July 2024 is in ignorance of the fact that it was inadvertent error committed by the petitioner while filing an affidavit-in-support of her nomination indicating that an offence has been registered against her under Section 154 of the Cr.PC. Learned counsel for the petitioner has drawn attention of this Court to the specific stand taken by the petitioner before the Tahsildar to the effect that instead of referring to offence under Section 306 of the Indian Penal Code, inadvertently it is mentioned Section 154 of Cr.PC., which was recorded at the time of filing of the FIR against the petitioner.

3. Perusal of the order, prima facie does not show that the contention of the petitioner about such inadvertent error has been taken cognizance of. It is without recording any finding in respect of this, conclusion seems to have been drawn that it is a suppression of the fact of lodging of FIR against the petitioner for offence punishable under Section 306 of the IPC.

4. Prima facie, the petitioner has made out a case that this could be a case not of intentional/deliberate suppression but inadvertence. Hence, issue notice to the respondents returnable on **12th September 2024**.

5. Learned AGP, waives service on behalf of respondent Nos.1 and 2.

6. There shall be stay to the impugned order till the next date of hearing.

(R. M. JOSHI, J.)