

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

CRIMINAL WRIT PETITION NO. 2026 OF 2025

Santosh Shamrao Karande

...Petitioner

Versus

Rural Development Officer And Registrar

Birth Death And Marriage Registration And Ors.

...Respondents

Mr. Ashwin Pimple for Petitioner.

Mr. Umesh Mankapure a/w Mr. Parth Pitambare i/by Adv. Rati Sinhasane for Respondent No.2.

Mr. Nitin Patil, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th SEPTEMBER 2025

P.C.

1. By this Writ Petition, Petitioner has challenged the order passed by Adhoc District Judge-2 and Additional Sessions Judge, Sangli rejecting the Criminal Revision Application No.42 of 2022 of the Petitioner.

2. It is contention of learned counsel for the Petitioner that the deceased Sindhutai Shamrao Karande was her mother and she passed away on 27th May 1995. The Criminal Application was preferred under Section 13(3) of the Registration of Births and Deaths Act, 1969 (the said Act) before the Judicial Magistrate First Class

Kavathemahankal, but the learned Magistrate has rejected the said application on the ground that there is difference in the name of the deceased. The said order is confirmed by the learned Sessions Judge. Learned counsel further submitted that Sindhutai Shamrao Jadhav is the maternal name of his mother and after marriage her name was Sindhutai Shamrao Karande. But this difference is not considered by both the learned Courts. Learned counsel further submitted that an offence was registered against his father Shamrao Karande and his second wife i.e. mother of Respondent No.2 for murdering his mother Sindhutai Karande, but this aspect has also not been considered by both the learned Courts and requested to allow the Writ Petition.

3. It is contention of learned APP that the Petitioner should have approached the concerned Registrar for correction or cancellation of entry under Section 15 of the said Act instead of revision under Section 397 of Cr.P.C.. The Learned Sessions Court has passed well reasoned order and no interference is required in it. Hence, requested to dismiss the Writ Petition.

4. It is contention of learned counsel for Respondent No.2 that the name of deceased on birth certificate and marriage certificate are different. The Petitioner did not produce any cogent evidence before the learned trial Court stating that the deceased Sindhutai Shamrao

Karande and deceased Sindhutai Shamrao Jadhav are the same person. The learned trial Court and revisional Court have passed well reasoned order. No interference is required in it. Hence, requested to dismiss the Petition.

5. I have heard all the learned counsels, perused the impugned order passed by the learned trial Court and learned Sessions Court. There is no dispute about death of Sindhutai Shamrao Karande @ Sindhutai Shamrao Jadhav. It appears from record that late Shamrao Karande had performed two marriages. The first marriage was performed with Smt.Sindhutai and other marriage was performed with mother of Respondent No.2. The allegations was made against late Shamrao Karande and mother of Respondent No.2 that in collusion they both murdered the late Sindhutai. The FIR was lodged against them. There is no dispute that deceased Sindhutai was first wife of Shamrao Karande. The maternal name of Sindhutai was Sindhutai Shamrao Jadhav. As there is no dispute about marital status between Sindhutai Shamrao Karande. But this fact is not considered by both the learned trial Courts. Hence I pass the following order :

ORDER

- (i) Writ Petition is allowed;

(ii) The death certificate be issued to the Petitioner in the name of Sindhutai Shamrao Karande as per rule.

6. The Writ Petition is allowed in the aforesaid terms and is accordingly disposed off.

(SHIVKUMAR DIGE, J.)