

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 962 OF 2024**

Aparna Ganesh More @ Aparna Krishna .. Petitioner
Adhalkar

Versus

State of Maharashtra & Anr .. Respondents

WITH

INTERIM APPLICATION ST NO. 15719 OF 2025

IN

CRIMINAL WRIT PETITION NO. 962 OF 2024

Aparna Ganesh More @ Aparna Krishna .. Petitioner
Adhalkar

Versus

Rajkumar Bhanudas Dongre and anr .. Respondents

WITH

INTERIM APPLICATION ST NO. 17608 OF 2024

IN

CRIMINAL WRIT PETITION NO. 962 OF 2024

Subhash Maruti More .. Petitioner

Versus

Rajkumar Bhanudas Dongre and anr .. Respondents

WITH

INTERIM APPLICATION NO. 2842 OF 2025

IN

CRIMINAL BAIL APPLICATION NO. 3386 OF 2022

Tribhuvan Devkaran Singh .. Applicant

Versus

State of Maharashtra and anr .. Respondents

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Mr.Dilip Bodake for the petitioner (through V.C).

Ms.Sangeeta D. Shinde, APP for the State.

Mr.Sachin Kanse with Aditya Jaywant Pawar for the Intervenor in IA No. 17608/2024.

ACP Vinay Ghorpade from Thane Crime Branch, Detection 2, present.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ
DATED : 10th NOVEMBER, 2025**

P.C:-

1. Today, the petitioner is represented by the learned counsel Mr. Dilip Bodake.

2 Interim Application St No. 15719/2025 is taken out by the petitioner for holding a preliminary enquiry for committing perjury by the Investigating Officer and for invoking Sections 227, 228, 229, 233, 236, 237, 238, 239, 241 of Bharatiya Nyaya Sanhita, 2023 (BNS) in relation to false statements and averments contained in the affidavit dated 20/7/2024.

We have heard learned counsel and perused the application.

At the outset, we would invite his attention to the provisions sought to be invoked which are contained in Chapter XIV of the BNS pertaining to giving of false evidence and offences against public justice.

The application make reference to certain pleadings in the reply affidavit filed by the Investigating Officer and according to the petitioner, the statement is false.

3 Mr.Bodake is just reminded of the fact that alleging that the statement is incorrect, is different from saying that the statement is false. The Investigating Officer in the affidavit has narrated the steps that have been taken to trace the petitioner, and at times, this has been done pursuant to the directions issued by her, as the petitioner lodged a missing report on 4/9/2022 and has filed a Petition for Habeas Corpus seeking his production of her husband.

4 The Farad Sheet in the petition would reveal that, time and again, this Court has granted assistance to the petitioner by directing the investigation in the direction in which she offered certain clue and all steps have been taken by the Investigating Officer and trace her husband.

In no case, we find that the statement contained in the affidavit amounts to offence of giving of false evidence u/s.227, as the said provision punishes an act of making any statement which is false, which the deponent know or believes to be false or does not believe to be true and it is only in this situation, he is said to give false evidence.

No doubt, a statement is made on oath by the Officer, but there is nothing depicted to show that he knew the statement to be false or not true.

Surprisingly, the application seek to initiate action under all the provisions in Chapter XIV which cover the act of giving false evidence and this include even Section 233, 236, 237, 238, knowing it very well that it may not at this stage, constitute an evidence, as we are only appreciating the contention of the petitioner that her husband has gone missing and he needs to be searched.

The statements contained in affidavit as evidence, cannot carry weight, as we have noted that from time to time, various steps have been taken to trace the husband of the petitioner, and in fact, the petitioner is also clueless and has therefore, resorted to remedy of filing multiple FIRs only on the presumption that several persons are responsible for the absence of her husband.

5 In the wake of the aforesaid circumstances, we do not find any merit and substance in the Interim Application and though we are of the view that the petitioner must be imposed with heavy cost, by way of indulgence and extending our magnanimity, we dismiss the application without cost but with a reminder and a clear word of caution to be communicated by the counsel to her, that such frivolous applications shall be dismissed with heavy costs, if she resort to such practices in future.

Application is dismissed.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)