

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.377 OF 2025

Sagarsing Bindusingh Tak	...Applicant
<i>Versus</i>	
Muskan Kaur Sagarsing Tak & Ors.	...Respondents

Dr. Uday Warunjikar a/w. Mr. Jenish Jain and Ms. Sakshi Inamdar
i/b. Mr. Debajyoti Talukdar, for the Applicant.
Mr. S. M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 9th OCTOBER 2025

PC:-

1. Heard Dr. Warunjikar, learned Counsel appearing for the Applicant and Mr. Mangaonkar, learned APP appearing for the Respondent-State.

2. By the present Criminal Revision Application, the challenge is to the legality and validity of the order dated 20th June 2025 passed by the learned Judge, Family Court No.2, Pune in Petition E. No.89 of 2019. The Applicant has earlier represented that he is Mathadi Kamgar and also supplier of Mathadi Kamgars and on the earlier occasion, when this Court passed the order dated 8th April

2025 in Criminal Revision Application No.166 of 2024, it was represented that various amounts have been reflected in the bank statement, are amounts concerning the said business and the Applicant is earning only Rs.7,000/- per month.

3. This is a case where the Respondent No.1-wife is maintaining both sons single handedly.

4. It is the contention of the Respondent No.1-wife that the Applicant is labour contractor and he is earning Rs.3,00,000/- per month.

5. Dr. Warunjikar, learned Counsel appearing for the Applicant fairly admitted that the Applicant is Mathadi Contractor/Labour Contractor. However, he states that the Applicant's income is Rs.7,000/- per month. He further submits that out of the said income, the Applicant is maintaining his mother as well as unmarried sister.

6. The learned Judge, Family Court, Pune has specifically recorded that the Applicant is not disclosing his real income.

7. It is unbelievable that the Applicant who is running the business of supply of Mathadi Kamgars i.e. business of labour contractor and doing the said business in commercial city like Pune is earning only Rs.7,000/- per month. Thus, the observations of the learned Family Judge, Pune, that the Applicant is not disclosing his real income is justified.

8. The Supreme Court in the case of *Kusha Duruka vs. State of Odisha*¹ *inter alia* set out the principles that anyone who takes recourse to fraud, deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shakes the faith of people in the system of administration of justice. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed

1 (2024) 4 SCC 432

the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is required to be dealt with as per the provisions of law. These observations of the Supreme Court are squarely applicable to this case.

9. The Applicant who is having business of supply of Mathadi Kamgar i.e. conducting business of labour contractor in commercial city like Pune has come up with the case that his income is only Rs.7,000/- per month and out of that income he is maintaining his mother and unmarried sister. The Respondent No.1-wife is a housewife and her family members are maintaining the Respondent No.1 and two children. It is the case of the

Respondent No.1 that the Petitioner is earning Rs.3,00,000/- per month. In the facts and circumstances, the learned Judge of the Family Court has specifically observed that the Applicant has not come with true case. Thus, the above observations of the Supreme Court are squarely applicable to the present case.

10. Thus, in the facts and circumstances, the Criminal Revision Application is dismissed with cost of Rs.10,000/- to be paid to the Respondent No.1-wife within a period of four weeks from today.

[MADHAV J. JAMDAR, J.]

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