

Order below Exh. 29
(Dt. 18.07.2026)

The present application is filed under Section 340 of the Code of Criminal Procedure. By this application the respondent prayed for initiation of proceeding against the applicant of this case for the offence of perjury. It is stated that the applicant in her affidavit filed before this court has stated that she is unemployed and has no source of income. However, the applicant in another criminal case has referred some transactions which indicate that she has independent income. Moreover she has also deliberately did not file her bank statement with her assets affidavit. On this basis the respondent submitted that the applicant has deliberately filed a false affidavit. Thus respondent prayed for action as per section 340 of Cr.P.C. against the applicant.

The applicant strongly opposed this application. As per her submission she has disclosed correct information in her affidavit. She has not suppressed anything from court. Hence she prayed for rejection of this application.

Hearred Ld. counsels of both sides, perused application and documents. As per the contention of the respondent the applicant has deliberately suppressed material facts from the court. She has suppressed her income from court. As per respondent the affidavit showing assets and liability is false. For proceeding under section 340 of the Cr.P.C. the court must be satisfied that a prima facie case of perjury is made out.

In the present case, the allegation of the respondent is primarily based on certain entries and

Statement made under other proceeding. The statement does not sufficient to infer that the applicant was employed and she has independent income. Whether applicant was and is actually employed, she has source of income whether the statement was made deliberately and knowingly is not proved by evidence. Therefore at this stage there is no clear and cogent material to prima facie establish that complainant/respondent made false statement intentionally. Thus for this reason this court is of opinion that there is no prima facie material for initiation of proceeding U/s 341 of the Crpc. Hence following order.

order.

- 1) The application exh-29 stands rejected.
- 2) The matter be kept for hearing on interim application.

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