

**अपीलीय अधिकरण**  
**जयपुर विकास प्राधिकरण, जयपुर।**

अपील / रेफरेंस / विविध प्रार्थना पत्र संख्या..... (सीआईएस) 03/2024 03/24  
बनाम जयिप्रा 597/25

|             |                                    |                                                       |
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| तारीख हुक्म | हुक्म या कार्यवाही मय इनीशियल्स जज | नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए |
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**विधिक प्रार्थनापत्र सं. 003/2024**

**अभय गुप्ता व अन्य बनाम डॉ लालसिंह**

**दिनांक 04.06.2026**

अधिवक्ता पक्षकारान उपस्थित।

अप्रार्थी द्वारा जवाब प्रस्तुत नहीं करना चाहा। इस पर सीधे बहस सुनी गई।

प्रार्थी द्वारा प्रार्थनापत्र की खण्ड सं. 13 व 14 में निम्न प्रकार निवेदन किया गया।

“ अभियुक्त डा० लाल सिंह एक पढा लिखा व्यक्ति है और अभियुक्त डा० लाल सिंह अरबाना ज्वैल्स रेजिडेंट्स वेलफेयर एसोसियेशन का चुनाव अधिकारी था।

अभियुक्त डा० लाल सिंह को इस तथ्य की भली भांति जानकारी थी कि अरबाना ज्वैल्स रेजिडेंट्स वेलफेयर एसोसियेशन राजस्थान संस्था रजिस्ट्रेशन अधिनियम, 1958 के तहत पंजीकृत संस्था है, ना कि राजस्थान सहकारी संस्था अधिनियम, 2001 के तहत पंजीकृत संस्था है।

अभियुक्त लाल सिंह ने जानबूझकर तथा यह जानते हुये कि वह माननीय अधिकरण के समक्ष अरबाना ज्वैल्स रेजिडेंट्स वेलफेयर एसोसियेशन की विधिक स्थिति के सम्बन्ध में मिथ्या कथन कर रहा है, हस्तगत अपील माननीय अधिकरण के समक्ष प्रस्तुत की और अभियुक्त डा० लाल सिंह के द्वारा जानबूझ माननीय अधिकरण को गुमराह करते हुये अपील संख्या 691/2023 में सशपथ गलत रूप से यह वर्णित किया कि अपीलार्थी संस्था राजस्थान सहकारी संस्था अधिनियम, 2001 के तहत पंजीकृत संस्था है और राजस्थान सहकारी संस्था अधिनियम, 2001 की धारा 58 तथा धारा 34 के प्रावधानों के तहत सक्षम प्राधिकारी उपायुक्त जोन 11, जयपुर विकास प्राधिकरण को चुनावों को रोकने की कोई अधिकारिता नहीं है।

अभियुक्त डा० लाल सिंह के द्वारा जानबूझकर माननीय अधिकरण को गुमराह कर माननीय अधिकरण से दिनांक 13.10.2023 को गलत तौर पर अन्तरिम स्थगन आदेश प्राप्त कर लिया और उक्त आदेश की आड में कार्यवाही करते हुये तुरन्त ही अभियुक्त डा० लाल सिंह के द्वारा परिवादी और योजना में रहने वाले अन्य निवासियों के हितों पर कुठाराघात करते हुये दिनांक 15.10.2023 अरबाना ज्वैल्स रेजिडेंट्स वेलफेयर एसोसियेशन की प्रबन्ध कार्यकारिणी के चुनाव सम्पन्न करवा दिये और उक्त चुनाव सम्पन्न होने के पश्चात् अपील की आगामी पेशी दिनांक 15.12.2023 को एक प्रार्थना पत्र अन्तर्गत आदेश 6 नियम 17 सिविल प्रक्रिया संहिता का प्रस्तुत कर दिया, जो कि अभियुक्त डा० लाल सिंह की सुनियोजित चाल को साबित करता है।

यह कि अभियुक्त डा० लाल सिंह के द्वारा जानबूझकर परिवादीगण और योजना में रहने वाले अन्य निवासियों के हितों पर कुठाराघात करने के आशय से अरबाना ज्वैल्स रेजिडेंट्स वेलफेयर एसोसियेशन के पंजीकरण के प्रावधानों के सम्बन्ध में माननीय अधिकरण के समक्ष प्रस्तुत अपील संख्या 691/2023 उनवानी अरबाना

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(सीआईएस) बनाम जयपुरा

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| तारीख हुक्म | हुक्म या कार्यवाही मय इनीशियल्स जज | नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए |
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ज्वैल्स रेजिडेंट्स वेलफेयर एसोसियेशन बनाम उपायुक्त जोन-11, जयपुर विकास प्राधिकरण में सशपथ गलत तथ्य वर्णित किये हैं और माननीय न्यायालय को गुमराह करते हुये और मुगालते में रखते हुये दिनांक 13.10.2023 को गलत रूप से अन्तरिम स्थगन आदेश प्राप्त कर लिया, जो कि भारतीय दण्ड संहिता की धारा 193 के तहत दण्डनीय अपराध है, जिसके लिये माननीय अधिकरण को दण्ड प्रक्रिया संहिता की धारा 340 के तहत अभियुक्त डा० लाल सिंह के विरुद्ध प्रसंज्ञान लेकर उसके द्वारा कारित अपराध हेतु दण्डित किया जाना न्यायोचित है।”

प्रार्थी द्वारा प्रार्थनापत्र के माध्यम से निम्न प्रकार अनुतोष किया गया।

“ अतः परिवाद प्रस्तुत कर निवेदन है कि अभियुक्त डा० लाल सिंह के विरुद्ध उसके द्वारा कारित अपराध पर प्रसंज्ञान लेकर अभियुक्त को तलब फरमाये जाने एवं अभियुक्त को उसके द्वारा कारित किये गये अपराध हेतु दण्डित किये जाने के आदेश प्रदान करे।”

सुना गया।

हस्तगत प्रार्थनापत्र जिस अनुतोष को लेकर प्रस्तुत किया गया है इस प्रकार की परिस्थितियों में क्या हय अधिकरण कार्यवाही कर सकता हैं इस संबंध में विचार किया गया।

“ माननीय उच्चतम न्यायालय द्वारा इस प्रकार की परिस्थितियों में नवीनतम न्यायदृष्टान्त James Kunjwal v/s State of Uttarakhand & Anr. विशेष अनुमति याचिका (कि.) संख्या-9783/2023 निर्णय दिनांक 13.08.2024 के माध्यम से यह अवधारित किया गया है :-

2. Impugned in the present appeal is the final order dated 1 st October 2022, passed by the High Court of Uttarakhand at Nainital in Bail Cancellation Application No.24/2022, whereby, although the said application was dismissed, it was observed that James Kunjwal, the 9 present appellant had intentionally filed a false affidavit before the High Court and as such, a direction was issued to the Registrar (Judl.) of the High Court to file a complaint against him. This, in a nutshell, forms the basis for this appeal.

9. Hence, in the attending facts, the short question that falls for consideration of this Court is whether the contents of the affidavit filed before the High

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बनाम जयिदा

| तारीख हुक्म | हुक्म या कार्यवाही मध्य इनीशियटिव्स जज                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए |
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|             | <p>Court, as taken note of in the impugned order, constitutes an offence under Section 193 IPC, as defined in Section 191 IPC?</p> <p>10. Section 191 IPC which defines the offence, reads as under :-</p> <p>"191. Giving false evidence. Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.</p> <p>Explanation 1.— A statement is within the meaning of this section, whether it is made verbally or otherwise.</p> <p>Explanation 2.— A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know."</p> <p>Section 193 IPC, under which the appellant is sought to be prosecuted is extracted below for reference.</p> <p>"193. Punishment For False Evidence. Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine</p> |                                                       |

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| तारीख हुक्म | हुक्म या कार्यवाही मय इनीशियल्स जज                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | नम्बर व तारीख अहकाम<br>जो इस हुक्म की तामील<br>में जारी हुए |
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|             | <p>whoever<br/>intentionally gives or fabricates false evidence in<br/>any other case,<br/>shall be punished with imprisonment of either<br/>description for a<br/>term which may extend to three years, and shall<br/>also be liable to<br/>fine.<br/>Explanation 1. - A trial before a Court-martial is a<br/>judicial<br/>proceeding.<br/>Explanation 2.- An investigation directed by law<br/>preliminary to a<br/>proceeding before a Court of Justice, is a stage of a<br/>judicial<br/>proceeding, though that investigation may not take<br/>place before<br/>a Court of Justice<br/>11- Section 195(b)(1) of Cr.P.C. (relevant<br/>portion reproduced hereinbelow) provides that no<br/>Court shall take cognizance of an offence<br/>committed under Sections 193 to 196, 199, 200,<br/>205-211; except on the complaint in writing of the<br/>Court or by an officer of the Court, duly authorized.<br/>Section 340 mentions the procedure in<br/>respect of the prosecution as delineated<br/>under Section 195. "195. Prosecution for contempt<br/>of lawful authority of public servants, for offences<br/>against public justice and for offences relating to<br/>documents given in evidence.—(1) No Court shall<br/>take<br/>cognizance—<br/>(a) .....<br/>(b) (i) of any offence punishable under any of the<br/>following<br/>sections of the Indian Penal Code (45 of 1860),<br/>namely,<br/>sections 193 to 196 (both inclusive), 199, 200, 205<br/>to 211<br/>(both inclusive) and 228, when such offence is<br/>alleged to<br/>have been committed in, or in relation to, any</p> |                                                             |

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| तारीख हुक्म | हुक्म या कार्यवाही मय इनीसियल्स जज                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए |
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|             | <p>proceeding in any Court, or<br/>(ii) .....<br/>(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii)...</p> <p>(2) ...<br/>(3) ...<br/>(4) ..."</p> <p>12. The proper approach in cases where Section 193 is in play, it has been held by this Court in Dr. S.P. Kohli, Civil Surgeon, Ferozepur v. High Court of Haryana Through Registrar 6 as under :</p> <p>16. It is true that what the courts have to see before issuing the process against the accused is whether there is evidence in support of the allegations made by the complainant to justify the initiation of proceedings against the accused and not whether the evidence is sufficient to warrant his conviction, but this does not mean that the courts should not prima facie be of the opinion that there are sufficient and reasonable grounds for setting the machinery of criminal law in motion against the accused. The moment this guiding principle is overlooked, the prosecution degenerates itself into persecution which often is fraught with evil consequences."</p> <p>(Emphasis supplied)</p> <p>Referred to in Himanshu Kumar &amp; Ors. v. State of Chhattisgarh &amp; Ors</p> <p>13. When prosecution should be sanctioned under this Section by Courts has been expounded on by a Bench of three learned Judges in Chajoo</p> |                                                       |

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बनाम जविप्रा 1

| तारीख हुक्म | हुक्म या कार्यवाही मय इनीसियल्स जज                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए |
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|             | <p>Ram v. Radhey Shyam &amp; Anr.</p> <p>"7. The prosecution for perjury should be sanctioned by courts only in those cases where the perjury appears to be deliberate and conscious and the conviction is reasonably probable or likely. No doubt giving of false evidence and filing false affidavits is an evil which must beeffectively curbed with a strong hand but to start prosecution for perjury too readily and too frequently without due care and caution and on inconclusive and doubtful material defeats its very purpose. Prosecution should be ordered when it is considered expedient in the interests of justice to punish the delinquent and not merely because there is some inaccuracy in the statement which may be innocent or immaterial. There must be prima facie case of deliberate falsehood on a matter of substance and the court should be satisfied that there is reasonable foundation for the charge..."<br/>(Emphasis supplied)<br/>Referred to in Himanshu Kumar (supra);<br/>Narendra Kumar Srivastava v. State of Bihar &amp; Ors.</p> <p>14. In this regard we may also notice the pronouncement in R.S. Sujatha v. State of Karnataka, referred to in Aarish Asgar Qureshi v. Fareed Ahmad Qureshi 11 wherein it was observed :</p> <p>"9. Both these judgments were referred to and relied upon with approval in R.S. Sujatha v. State of Karnataka</p> |                                                       |

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[R.S.

Sujatha v. State of Karnataka, (2011) 5 SCC 689 : (2011) 2

SCC (Cri) 757] (at paras 15 and 16). This court, after setting down the law laid down in these two judgments concluded :

(SCC pp. 694-95, para 18) "18. Thus, from the above, it is

evident that the inquiry/contempt proceedings should be

initiated by the court in exceptional circumstances where the

court is of the opinion that perjury has been committed by a

party deliberately to have some beneficial order from the

court. There must be grounds of a nature higher than mere

surmise or suspicion for initiating such proceedings. There

must be distinct evidence of the commission of an offence by

such a person as mere suspicion cannot bring home the

charge of perjury. More so, the court has also to determine

as on facts, whether it is expedient in the interest of justice

to inquire into the offence which appears to have been

committed."

(Emphasis supplied)

15. The three essential factors which can be said to be sine qua non for the application of Section 193 IPC as held in Bhima Razu Prasad v. State Rep. by Deputy Supdt. of Police,

CBI/SPE/ACU-II 12 are :-

(1) false statement made on oath or in affidavits;

(2) that such statements be made in a judicial proceeding; or

(3) such statement be made before an authority

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तारीख हुक्म

हुक्म या कार्यवाही मय इनीशियल्स जज

नम्बर व तारीख अहकाम  
जो इस हुक्म की तामील  
में जारी हुए

that has been expressly  
deemed to be a 'Court'.

16. What we may conclude from a perusal of  
the above-noticed judicial pronouncements is  
that:-

(i) The Court should be of the prima facie opinion  
that there exists sufficient and reasonable ground  
to initiate proceedings against the person who has  
allegedly made a false statement(s);

(ii) Such proceedings should be initiated when  
doing the same is "expedient in the interests of  
justice to punish the delinquent" and not merely  
because of inaccuracy in statements that may be  
innocent/immaterial;

(iii) There should be "deliberate falsehood on a  
matter of substance";

(iv) The Court should be satisfied that there is a  
reasonable foundation for the charge, with distinct  
evidence and not mere suspicion;

(v) Proceedings should be initiated in exceptional  
circumstances, for instance, when a party has  
perjured themselves to beneficial orders from the  
Court.

17. The statement made by the appellant, that  
has been deemed to be befitting the offence of  
giving false evidence before the Court, which is  
known commonly as perjury, was more in the  
nature of denial of the statements made in the  
affidavits of the complainant herein.

18. We are of the view that, in the present  
facts, a denial simpliciter cannot meet the  
threshold, as described in the judgments above,  
particularly when no malafide  
intention/deliberate

attempt can be understood from the statement  
made by the appellant in the affidavit. As has  
already been observed, mere suspicion or  
inaccurate statements do not attract the offence  
under the Section. It cannot be disputed that the  
statements made in the affidavit were only to state  
his version of events and/or deny the version put  
forth by the complainant.

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03/24

(सीआईएस)

592/95

बनाम जविप्रा

तारीख हुक्म

हुक्म या कार्यवाही मय इनीशिएटिव्स जज

नम्बर व तारीख अहकाम  
जो इस हुक्म की तामील  
में जारी हुए

19. We are also of the firm opinion that such statements do not make it expedient in the interest of justice, nor constitute exceptional circumstances in which such Sections may be invoked. Given that these proceedings would constitute an offence, independent of the one for which the appellant is already facing trial, it cannot be unequivocally held that there was deliberate falsehood on a matter of substance.

20. We find that at least three of the possible scenarios, as discussed supra, in which a court would be justified in invoking these powers on the face of it appear to be unmet, prosecution, therefore, would be unjust. We say so for the reason that the respondent in her counter affidavit filed before this Court makes no particular allegation nor does she provide any of the material that was allegedly placed before the competent prosecuting authorities or the Court. She only alleges untruth on the part of the appellant 8/12/2024 stating that the Court was correct in initiating proceedings against him for making the false statement. She further makes certain statements that fall outside the scope of the present adjudication and pertain to the trial of the main offence pending before the court of competent jurisdiction.

(2) PUNJAB AND HARYANA HIGH COURT,  
CRR(F)-462 of 2024 (O&M). D/d. 02.04.2024.  
Monika v/s State of Haryana and another  
IMPORTANT

Perjury - Guiding principles for invoking provisions of Section 340 Cr.P.C. in matrimonial cases explained.

A. Criminal Procedure Code, 1973, Section 340 - Indian Penal Code, 1860, Sections 191, 193, 199 and 209 - Perjury - Guiding principles are laid down

for invoking provisions of Section 340 Cr.P.C. in matrimonial cases:-

(i) There must be sufficient material available on record to indicate conspicuous and intentional

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| तारीख हुक्म | हुक्म या कार्यवाही मय इनीशिएटिव्स जज | नम्बर व तारीख अहकाम<br>जो इस हुक्म की तामील<br>में जारी हुए |
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तारीख हुक्म

हुक्म या कार्यवाही मय इनीशिएटिव्स जज

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nature of the alleged falsehood and mere inaccuracy or misstatement would remain inadequate for launching such prosecution.

(ii) Formation of a prima facie opinion by the Court that such prosecution is expedient in the interest of justice and, appropriate in view of the facts of the case is sine qua non.

(iii) There must be a deliberately and consciously made statement which is found to be false after comparing it with unimpeachable evidence, documentary or otherwise.

(iv) Court must only sanction prosecution for perjury only in cases where it appears that conviction is reasonably probable and breaches the threshold for the charge of deliberate and conscious falsehood.

(v) Court must consider the magnitude of the obstruction caused by the alleged offence to administration of justice. It must also be seen if such falsehood has any impact on the outcome of the case.

(vi) Proceedings for perjury cannot be launched in a mechanical manner, at the ipse dixit of an estranged spouse if plausible explanation has been provided for making such omission or misstatement. The failure to exercise due care and caution can be visited upon by imposing cost on the delinquent.

(vii) As perjury is offence against public justice, the Court will act as the complainant, in order to preserve the purity of the judicial process. No party can be allowed to abuse the process of Court as an instrument of oppression and cause needless harassment to the other party, motivated purely by personal spite.

(viii) Order passed on application under Section 340 Cr.P.C must reflect application of mind and satisfy objective standards of reason and justice

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| तारीख हुक्म | हुक्म या कार्यवाही मय इन्सिस्टेंस जज                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए |
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|             | <p>it has potential to affect the liberty of citizen.<br/>[Para 23]<br/>B. Criminal Procedure Code, 1973, Section 340 - Perjury - Two essential pre-conditions :-<br/>(i) Material produced before Court must be sufficient for the formation of prima facie opinion that inquiry into an offence referred to in clause (b)<br/>(i) of sub-Section (1) of Section 195 of the Cr.P.C. as alleged in the complaint, is necessary.<br/>(ii) Court must record a finding that it is expedient in the interest of justice that an inquiry should be made into the alleged offence.<br/>C. Criminal Procedure Code, 1973, Section 340 - Perjury - Whether alleged false affidavit was filed by petitioner makes her liable to be prosecuted under Section 340 Cr.P.C.? - Held, petitioner resigned from her job on 30.08.2022 as discernible from email clearly shows that she was unemployed on date of filing of income and assets affidavit - Concerned bank account that was not revealed by petitioner was salary account, which has become irrelevant on account of her resignation, for purpose of determining maintenance - As such, reason for not mentioning account in her income and assets affidavit has been reasonably explained- Thus, information would not have any bearing upon final outcome of case - Nothing on record that would aid in formation of opinion to effect that it is a prima facie case of deliberate falsehood, made by petitioner with mala fide intentions and oblique motive - Therefore, complaint against husband set aside.<br/>Cases Referred :-<br/>Aarish Asgar Qureshi v. Fareed Ahmed Qureshi, (2019) 18 SCC 172<br/>Amarsang Nathaji v. Jardik Harshadbhai Patel, (2017) 1 SCC 113<br/>Chajoo Ram v. Radhey Shyam, (1971) 1 SCC 774 :</p> |                                                       |

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तारीख हुक्म

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AIR 1971 SC 1367  
Chandrapal Singh v. Maharaj Singh, (1982) 1 SCC 466  
Dr. S.P. Kohli, Civil Surgeon, Ferozepur v. The High Court of Punjab and Haryana, AIR 1978 SC 1753  
Hussain v. Union of India, 2017 (5) SCC 702  
Iqbal Singh Marwah v. Meenakshi Marwah, 2005 AIR SC 2119  
K.T.M.S. Mohd. v. Union of India, 1992 (2) RCR (Criminal) 398 : (1992) 3 SCC 178  
Kishorbhai Gandubhai Pethani v. State of Gujarat, (2014) 13 SCC 539  
Kusum Sharma v. Mahender Kumar Sharma, 2020 (3) DMC 331  
M.S. Sherif v. State of Madras, AIR 1954 SC 397  
M/s Bandekar Brothers Private Limited v. Prasad Vassudev Keni Etc., 2020 AIR SC 4247  
Mohammad Ibrahim v. B. Rama Rao, AIR 1976 SC 1822  
Muthu Karuppan, Commissioner of Police, Chennai v. Parithi Ilamvazhuthi, (2011) 5 SCC 496  
Patel Laljibhai Somabhai v. State of Gujarat, (1971) 2 SCC 376  
Perumal v. Janaki, 2014 (1) RCR (Criminal) 851 : (2014) 5 SCC 377  
Pritish v. State of Maharashtra, 2002 (1) RCR (Criminal) 92 : (2002) 1 SCC 253  
R.S. Sujatha v. State of Karnataka, 2011 (1) RCR (Criminal) 365 : (2011) 5 SCC 689  
Rajnish v. Neha, (2021) 2 SCC 324  
State of Andhra Pradesh v. P.V. Pavithran, AIR 1990 SC 1266  
State of Goa v. Jose Maria Albert Vales alias Robert Vales, 2017(3) RCR (Criminal) 981 : (2018) 11 SCC 659  
State of Punjab v. Jasbir Singh, 2022 CriLR (SC) 1198  
Subrata Roy Sahara v. Union of India, (2014) 8 SCC 470

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प्रार्थी का कथन रहा कि अभियुक्त डॉ लालसिंह के विरुद्ध प्रसंज्ञान लिया जाकर उसके विरुद्ध विधि अनुसार कार्यवाही की जाये।

“इस न्यायालय की राय में उपरोक्त प्रकार का मत / विचार अप्रार्थी का हो सकता है किन्तु जब तक किसी न्यायालय द्वारा किसी कार्यवाही के दौरान निर्णय के समय यह निष्कर्ष नहीं निकाला जाये कि किसी पक्षकार द्वारा मिथ्या अभिवचन अंकित करते हुए शपथ-पत्र पेश किया गया है अथवा मिथ्या साक्ष्य दी गई है अथवा मिथ्या साक्ष्य गढ़ी गई है तब तक कोई न्यायालय इस प्रकार की कार्यवाहियों को विचारित नहीं कर सकता।

वर्तमान प्रकरण की परिस्थितियों में किसी न्यायालय द्वारा यह निर्णय पारित नहीं किया गया है कि प्रार्थिया के द्वारा मिथ्या/झूठे अभिवचन अंकित करते हुए अनुचित लाभ प्राप्त करने के आशय से अभिवचन अंकित किये गये हों। जब तक किसी न्यायालय द्वारा उपरोक्त प्रकार का निष्कर्ष पारित नहीं कर दिया जाता तब तक इस प्रकार की कार्यवाहियां विचारित नहीं रह सकती।

इस न्यायालय की राय में अप्रार्थी के द्वारा जिस प्रकार के अनुतोष को लेकर प्रार्थना-पत्र पेश किया गया है, उस प्रार्थना-पत्र पर यह न्यायालय वर्तमान परिस्थितियों में विचार नहीं कर सकता। माननीय उच्चतम न्यायालय द्वारा उपरोक्त न्यायिकदृष्टान्त में अवधारित मत की रोशनी में अप्रार्थी द्वारा प्रस्तुत किया गया उपरोक्त प्रार्थना-पत्र को यह न्यायालय इस स्तर पर उपरोक्तानुसार निस्तारित करता है।

अप्रार्थी वांछित अनुतोष के संबंध में सक्षम न्यायालय के समक्ष उचित स्तर पर कार्यवाही करने हेतु स्वतंत्र रहेगा। प्रस्तुत प्रार्थना-पत्र उपरोक्तानुसार निस्तारित किया जाता है। आदेश सुनाया गया।

यह निर्णय आज खुले न्यायालय में लिखाया जाकर सुनाया गया।