



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6412 OF 2018

Dr. Sunil Pannalal Pokharna

....Petitioner

VERSUS

The Superintendent (Establishment),
District Court, Ahmednagar

....Respondents

.....
Mr. S.S. Bora, Advocate for petitioner
Mr. C.K. Shinde, Advocate for respondent
.....

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 6th MAY, 2026

ORDER:

1. Heard learned counsel for the respective parties.
2. The petitioner is aggrieved by the order dated 20/3/2018, passed by the learned Member, Motor Accident Claims Tribunal, Ahmednagar in Motor Accident Claim Petition No.347/2012 to the extent of clause No.(v) and (vi) of the operative order, whereby the learned Tribunal directed the respondent herein to file criminal complaint against the present petitioner for the



offences punishable under Sections 177, 182, 191, 193 and 197 of the Indian Penal Code.

3. Mr. Satyajeet S. Bora, learned counsel for the petitioner submitted that, on 13/1/2012, when the petitioner was working as Medical Officer with Civil Hospital, Beed and was also attached to Pokharna Hospital and performed a surgery on right leg of the patient namely Eknath Kamble with consultation and consent of the patient as well as his family members. Thereafter the said Eknath Kamble filed a claim for compensation for permanent disability.

4. Pursuant to the witness summons, the petitioner appeared and gave his evidence in support of the permanent disability certificate issued by him on 13/7/2012 and also gave evidence regarding the medical expenses borne by the patient at Pokharna Hospital. Learned counsel for the petitioner submits that, on the basis of the medical certificate, the claim filed by the said claimant was allowed, but while allowing the same, the learned Tribunal, as per clause No.5 and 6, recorded a finding which reads as under :

“(v) The Superintendent (Establishment), District Court,



Ahmednagar is directed to inform the Medical Board of Maharashtra and the Ministry of Health, Government of Maharashtra about the conduct of Dr. Pokharna, who is serving as Medical Officer in Civil Hospital, Ahmednagar along with copy of judgment. He shall file a complaint against application as well as Dr. Pokharna for the alleged offences u/s 177, 182, 191, 193, 197 of I.P.C.

- (vi) He is further directed to inform the Superintendent of Police, Ahmednagar for taking action against the applicant and Dr. Pokharna.”

5. Learned counsel for the petitioner submits that, such observations and strictures are unnecessary and before passing such strictures against the petitioner and directing to initiate criminal prosecution, the petitioner was not heard by the Tribunal and once on the basis of the medical certificate the claim petition was allowed, the Tribunal ought not to have passed such order. He, therefore, prayed to allow the Writ Petition by setting aside clause No.(v) and (vi).

6. Per contra, Mr. C.K. Shinde, learned counsel for the respondent supports the order passed by the learned Tribunal.

7. Having heard learned counsel for both the sides and after going through the order passed by the Tribunal, I find that, the learned Tribunal, by observing that the claimant is having



permanent disability of 40% instead of 70% which was noted in the medical certificate. The conclusion was arrived by the learned Tribunal that the present petitioner has given false evidence. In fact, the petitioner has appeared as an expert pursuant to the witness summons and submitted the entire record as well as the disability certificate issued by him. The said certificate was not set aside by the higher authorities and the stringent remarks are passed by the learned Tribunal without giving any opportunity of hearing to the petitioner to explain. Therefore, I find that the learned Tribunal ought to have given at least a show-cause-notice asking the petitioner to explain as to why action shall not be initiated against him. I find that, the learned Tribunal has employed critical remarks and as he is the one who has treated the patient, in my opinion, the remarks passed by the Tribunal are unwarranted and liable to be quashed and set aside. Therefore, I am inclined to allow the Writ Petition.

8. In the result, the Writ Petition is allowed in terms of prayer clause (b). The order dated 20/3/2018, passed by the learned Member, Motor Accident Claims Tribunal, Ahmednagar in Motor Accident Claim Petition No.347/2012 to the extent of clause



No.(v) and (vi) of the operative order is hereby quashed and set aside.

(SIDDHESHWAR S. THOMBRE, J.)

fmp/-