A DY. GENERAL MANAGER, REDESIGNATED AS DEPUTY DIRECTOR, INTER STATE BUS TERMINAL ETC.

v.

SMT. SUDERSHAN KUMARI AND ORS. ETC.

B DECEMBER 9, 1996

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

Indian Penal Code, 1860: Section 199.

C *Filing of false certificate and false affidavits in Court—Punishment for—Appeal preferred before Supreme Court by respondent—False certificate and false affidavit filed before Supreme Court—Respondent convicted under Section 199—Rigorous imprisonment for six months and fine of rupees 1,000 imposed.*

D CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 7084-85 of 1996.

From the Judgment and Order dated 15.11.94 of the Delhi High Court in C.W. No. 2483 of 1994.

E Pramod Dayal for the Appellants.

D. Goburdhan and V.B. Saharya for the Respondents.

The following Order of the Court was delivered :

F This Court by order dated April 2, 1996 had observed that leave and licence to run a sales counter granted on compassionate grounds and other liberties given to them were being abused by such persons and that the High Court was not right in giving liberty to the respondent No. 1 to withdraw the writ petition and to file another writ petition on the same cause of action. Civil Appeal No. 7084/96 was accordingly allowed and the G appeal filed by Sudershan Kumari was dismissed with costs. A direction was issued to the Notary to show cause as to why he should not be prosecuted and punished for attesting false affidavit of impersonation and why his licence should not be cancelled and why he should not be prosecuted for giving such false certificates. A notice was sent to him on H the basis of the name furnished by the respondent and also in the oath. It

is now reported by the Registry that no such person is available in Tis Hazari Court. Consequently by order dated October 23, 1996 Mr. Goburdhan learned counsel appearing for the respondent, was directed to give the name of the Oath Commissioner lest proceedings should be initiated against the first respondent Sudershan Kumari who has filed the affidavit alleged to have been attested by the Oath Commissioner which is found to be false. Accordingly time was given. It is stated by the learned counsel, Mr. Goburdhan, that in spite of the letter written by him, the respondent is not responding. Under these circumstances, we are left with no option but to convict the first respondent Mrs. Sudershan Kumari for producing false certificate and false affidavits. Accordingly, she is convicted under Section 199 I.P.C. and sentenced to undergo rigorous imprisonment for a period of six months and is directed to pay a fine of Rs. 1,000, in default to undergo a further sentence of six weeks. Both the sentences are directed to run concurrently. This order should be sent to the Sessions Judge, Delhi to enforce the sentence. It is accordingly ordered.

T.N.A. Appeal disposed of.