

and she has never instructed the said Advocate to appear on her behalf and to submit that she has resolved her dispute with the opposite party no.2 herein. It is further averred in paragraph no.9 of the petition that because of the false submission given by the said Advocate Mr. Vijay Kumar Roy on her behalf in the said anticipatory bail application, the opposite party no.2 herein was given the privilege of anticipatory bail. Hence, the said order of granting privilege of anticipatory bail be cancelled.

Consequent, upon such averments, Mr. Vijay Kumar Roy has been impleaded as opposite party no.3 in this criminal miscellaneous petition.

Mr. Vijay Kumar Roy has filed a show cause wherein, it has categorically been stated that he has received the duly executed *Vakalatnama* along with relevant document of A.B.A. No.5115 of 2019 (Durgesh Kumar @ Vittu vs. State of Jharkhand and another) from the petitioner herein on 31.07.2019 at about 11:45 am in the office of Advocate Sri. Shatrughan Pandey of Civil Court, Hazaribag and at the time of execution of the said *Vakalatnama*, the father of the petitioner namely Pokhraj Mahto was also present and on her instruction, *Vakalatnama* was filed in this Court on 01.08.2019 to defend her in A.B.A. No.5115 of 2019.

After that vide order dated 19.02.2021, learned counsel for the petitioner herein prayed for time to file supplementary affidavit mentioning therein as to whether the signature of the petitioner herein appearing in the *Vakalatnama* filed on her behalf in A.B.A. No.5115 of 2019 on 01.08.2019 before this Court which was purportedly to have been executed to her on 31.07.2019 by filing supplementary affidavit.

The petitioner has filed a supplementary affidavit that one Gautam Kumar who is the son of Satrugan Pandey Advocate appearing for the petitioner in civil court obtained *Vakalatnama* from the petitioner herein saying that he is practicing as an Advocate in this Court and will oppose the anticipatory bail filed by the opposite party no.2 herein in this criminal miscellaneous case but there was no matter of resolving the dispute and to resume conjugal life as has falsely been submitted in the said anticipatory bail application.

Perusal of the affidavit sworn by the opposite party no.3 Mr. Vijay Kumar Roy who is an practicing Advocate of this Court and the

supplementary affidavit of the petitioner, prima facie it appears to this Court that the petitioner has made false averments on oath to the effect that she never executed any *Vakalatnama* in favour of Vijay Kumar Roy i.e. in favour of opposite party no.3 and that she is unknown about the opposite party no.3 Mr. Vijay Kumar Roy. It is also pertinent to mention here that nowadays it has become a fashion for anything and advocate and taking a stand before a court of law and when the same in the long run do not suit the litigant, often the litigant and this is another lawyer and back south from the submissions made by him before the court but the same is detrimental to the smooth functioning of the court and such nefarious practice has to be dealt with sternly to send a deterrent message to the society that such type of attempt of misleading the court is unwelcome and can in the long run give an adverse blow to the functioning of courts. Hence this is a fit case where criminal prosecution of petitioner is required for the misconduct committed by her.

Had the petitioner been having the intention of not resorting to false averments, she could well have stated at the first instance itself about engaging Gautam Kumar to appear for her in this Court.

The Registrar General of this Court is directed to make a complaint before the appropriate Court for initiating appropriate proceedings against the petitioner of this case for swearing a false affidavit.

As the sole ground that she never engaged the opposite party no.3 Vijay Kumar Roy is false hence, this criminal miscellaneous petition for cancellation of bail to the opposite party no.2 being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/