

(2019) 07 RAJ CK 0092

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 2137, 2140 Of 2019

Dhanna Ram And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 30-07-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 143, 323, 336, 341, 354, 427, 447

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S), 3(1)(R)(S)(W), 3(2)(VA), 3(2)(VA)

Citation : (2019) 07 RAJ CK 0092

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : B.R. Bishnoi, Gaurav Singh

Final Decision : Disposed Off

Judgement

S.B.Criminal Misc. Petition No. 2140/2019 :-

1. The petitioner has preferred this criminal misc. petition under Section 482 Cr.P.C. seeking fair investigation in FIR No.170/2018, Police Station

Osia, District Jodhpur for the offences under Sections 447, 427, 341, 323 & 354 of IPC and Sections 3(1) (R)(S)(W), 3(2)(VA) of SC/ST Act.

2. In Manoj Kumaria Shankaria Vs. State of Rajasthan & Anr., 2014(3) Raj.CriC 965, Narayan Singh Vs. State of Rajasthan & Anr., 2013(1)

Cri.L.R.264 and Aziza Begum Vs. State of Maharashtra & Anr., 2012(1) RLW 835, wherein the Hon'ble Apex Court has held that a fair and proper

investigation is always conducive to the ends of justice and for establishing rule of law.

3. In Shyam Singh Vs. State of Rajasthan & Anr., 2015(3) Cri.L.R. 1375 and Gopal Nath Vs. State of Rajasthan & Anr., 2015(4) Cri.L.R. 1617,

relying upon the judgment of Honâ??ble Supreme Court in the case of Arnesh Kumar V/s State of Bihar & Anr., reported in (2014) 8 SCC 273, also

the petitioner therein was permitted to submit a representation before the investigating officer and the investigating officer was directed to consider the documents before forming any opinion.

4. Learned Public Prosecutor assures this Court that fair and transparent investigation shall be made, and in case the petitioner submits a representation alongwith all the relevant documents before the Inspector General Of Police, Jodhpur Range, Jodhpur within a period of ten days from today, then the same shall be considered at the time of investigation.

5. In light of the aforesaid precedent law as well as the assurance given by the learned Public Prosecutor, the present misc. petition is disposed of with

a direction to the Inspector General Of Police, Jodhpur Range, Jodhpur to consider the representation alongwith all the relevant documents, if

submitted by the petitioner within a period of ten days from today, and conduct fair investigation, strictly in accordance with law.

S.B.Criminal Misc. Petition No. 2137/2019 :-

1. The petitioner has preferred this criminal misc. petition under Section 482 Cr.P.C. seeking fair investigation in FIR No.41/2019, Police Station Osia,

District Jodhpur for the offences under Sections 143, 447, 427, 336, 323 & 354 of IPC and Sections 3(1)(S), 3(2)(VA) of SC/ST Act.

2. In Manoj Kumaria Shankaria Vs. State of Rajasthan & Anr., 2014(3) Raj.CriC 965, Narayan Singh Vs. State of Rajasthan & Anr., 2013(1)

Cri.L.R.264 and Aziza Begum Vs. State of Maharashtra & Anr., 2012(1) RLW 835, wherein the Hon'ble Apex Court has held that a fair and proper

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