
(1988) 11 RAJ CK 0037

In the Rajasthan High Court

Case No : Criminal Miscellaneous Petition No. 965 of 1988

Nathi Lal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 01-11-1988

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (1989) WLN 229

Hon'ble Judges : G.K. Sharma, J

Bench : Single Bench

Judgement

G.K. Sharma, J.—Heard both the learned Counsel, FIR No. 87/88 has been stared at Police Station Masalpur, District Sawai Madhopur and the petitioner apprehends his arrest in that case. According to FIR four persons came in the night and entered into the house of the complainant out of four persons, two have been died on spot and two have been arrested. The petitioner has been named in the arrested persons. The petitioner's contention is that he has been falsely implicated in this case and the entire case depends on the identification. Hence in this application it is prayed that he is willing to surrender himself in the court but before sending him to police custody, he should by sent to Judicial custody and police is directed to get the identification parade conducted by the Judicial Magistrate, so that petitioner may not apprehend for his being shown to the witness. In the interest of Justice, I feel that the prayer of petitioner is reasonable one and in order to get justice, the, identification proceedings be conducted as prayed by him.

2. While accepting the petition u/s 482, Cr.P.C. it is directed that the petitioner should surrender before the Chief Judicial Magistrate, Sawai Madhopur on or before 16-11-1988. The Chief Judicial Magistrate would call the SHO/IO of FIR No. 87/88, PS Masalpur, District Sawai Madhopur and inform him about this surrender and then immediately send the petitioner to Judicial custody in District Jail, Sawai Madhopur also direct the Investigating Officer to get the Identification

proceeding regarding this petitioner by a Magistrate in District Jail, Sawai Madhopur. The Investigating Officer/SHO should take all necessary steps for getting identification proceedings.

3. The copy of this order be sent to the Chief Judicial Magistrate; Sawai Madhopur.