
(2020) 01 RAJ CK 0139

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 3376 Of 2019

Rajkumar Sharma

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 22-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 156(3), 482

Indian Penal Code, 1860 — Section 120B, 295-A, 500, 501, 504, 505

Citation : (2020) 01 RAJ CK 0139

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : H.M. Saraswat, S.S. Rajpurohit

Final Decision : Disposed Of

Judgement

This criminal misc. petition under Section 482 Cr.P.C. has been filed by the petitioner with a prayer to transfer the investigation to the CID (CB) or to higher police officer for conducting fair and impartial investigation into the allegations levelled in the FIR No.458/2018 of Police Station Basni, District Jodhpur for the offences punishable under Sections 295-A, 500, 501, 504, 505 and 120-B IPC.

Having heard learned counsel for the petitioner, this Court is of the opinion that the petitioner can very well approach the concerned court under Section 156(3) Cr.P.C. seeking fair and impartial investigation in the above referred FIR as per the law laid down by the Hon'ble Supreme Court in case of Sakiri Vasu Vs. State of U.P. and Ors. reported in (2008) 2 SCC 409 and Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage & Ors. reported in (2016) 6 SCC 277.

Hence, this criminal misc. petition is disposed of with liberty to the petitioner to move application under Section 156(3) Cr.P.C. before the concerned court and it is expected that if any such application is moved on behalf of the petitioner, the concerned court shall consider the same strictly in accordance with law.

Stay petition also stands disposed of.