

(2021) 12 RAJ CK 0052

In the Rajasthan High Court

Case No : S.B. Criminal Miscellaneous (Petition) No. 6411 Of 2021

Rekha

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 17-12-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 342, 365, 376D, 377

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(V), 3(2)(VA)

Citation : (2021) 12 RAJ CK 0052

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : I.R. Choudhary, M.S. Bhati

Final Decision : Disposed Of

Judgement

Vinit Kumar Mathur, J

1. The petitioner has preferred this criminal misc. petition under Section 482 Cr.P.C. seeking fair investigation in FIR No. 304/2021 registered at Police Station Bhadra, District Hanumangarh for the offences under Sections 365, 342, 376-D, 377, 34 of IPC and Sections 3(2)(V) and 3(2)(VA) of the SC/ST (Prevention of Atrocities) 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 Hon'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 along with all the relevant documents before the Superintendent of Police, Hanumangarh 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 Superintendent of Police, Hanumangarh 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.