

(2020) 02 RAJ CK 0433

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 6316 Of 2019

Santra

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 24-02-2020

Acts Referred:

Indian Penal Code, 1860 — Section 292A, 363, 376, 384
Protection Of the Children from Sexual Offence Act, 2012 — Section 5, 6, 11, 12
Code Of Criminal Procedure, 1973 — Section 161, 164

Citation : (2020) 02 RAJ CK 0433

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : Suresh Kumar Maru, Mahipal Bishnoi

Final Decision : Dismissed

Judgement

Heard.

Perused the material available on record.

The instant Misc. Petition has been preferred by the petitioner-complainant seeking a direction for fair investigation in the FIR No.119/2019 registered

at the Police Station Kareda, District Bhilwara for the offence under Sections 292-A, 384, 363, 376 of the IPC and Sections 5, 6, 11 & 12 of the

Protection of the Children from Sexual Offence Act.

After having gone through the FIR and on a careful perusal of the factual report submitted by the Investigating Officer, I am of the firm opinion that

by no stretch of imagination can it be concluded that the investigation is not being conducted in a fair manner. The petitioner seeks a direction for

involvement of one Poonam Nath as an accused. Suffice it to say that Poonam Nath was not named either in the FIR or in the petitioner's

statement recorded under Section 161 Cr.P.C. He has been implicated as an after thought in the 164 Cr.P.C. statement of the petitioner.

In this background, the finding recorded by the Investigating Officer in the latest factual report is absolutely justified. I find no reason to exercise the

inherent powers of this Court in the instant Misc. Petition, which is dismissed as being devoid of merit.

The stay petition is also dismissed.