

**(2004) 02 RAJ CK 0018**

**In the Rajasthan High Court**

**Case No :** Criminal Miscellaneous Petition No. 157 of 2002

Sita Ram and Others

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

**Date of Decision :** 11-02-2004

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 190, 200, 202  
Penal Code, 1860 (IPC) — Section 120B, 504

**Citation :** (2005) 1 RCR(Criminal) 223 : (2004) 4 RLW 2467 : (2004) 5 WLC 20

**Hon'ble Judges :** Shiv Kumar Sharma, J

**Bench :** Single Bench

**Advocate :** Anoop Dhand, for the Appellant; S.S. Rathore, for Public Prosecutor, for the Respondent

**Final Decision :** Dismissed

## Judgement

Shiv Kumar Sharma, J.—It appears that after filing of the Final Report, the learned Additional Chief Judicial Magistrate Sri Madhopur District Sikar did not accept the Final Report and has taken cognizance of the offences under Sections 504 and 120B IPC against the petitioners. The petitioners have now approached this Court u/s 482 Cr.P.C.

2. The only contention that has been advanced before me is that on filing the protest petition it was incumbent upon the Judicial Magistrate to have recorded the statements under Sections 200 and 202 Cr.P.C. and in absence of the statements no cognizance could have been taken. I find no merit in this submission in view of the ratio indicated in M/s. India Carat Pvt. Ltd. v. State of Karnataka and Anr. (1), wherein their Lordships of Supreme Court indicated that the Magistrate can take cognizance of the offence even if police report is to the effect that no case was made out and it was not necessary for the Magistrate to follow the procedure laid down in Sections 200 and 202 Cr.P.C. In the instant case it appears that on perusal of investigation report the learned Magistrate came to the view that prima facie case was made out against the petitioners.

3. For the reasons, I do not find any merit in the misc. petition, it stands dismissed. The petitioners are directed to appear before the learned Additional Chief Judicial Magistrate Sri Madhopur District Sikar on March 1, 2004.