
(2012) 02 RAJ CK 0093
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1050 of 2012

Smt. Amri Devi

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 13-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 116, 160

Citation : (2012) 02 RAJ CK 0093

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Judgement

Govind Mathur, J.—This petition for writ is preferred for seeking appropriate writ, order or direction in the following terms:

1. An appropriate direction may kindly be issued so as to get the matter investigated by an independent agency so as to probe inquiry in connection to the allegation leveled in this writ petition and more particularly in order to unveil the truth belying under the inhuman, barbarous, torturous attitude of the respondents;
2. The respondents may be directed to not indulge into detention of the petitioner in any manner and not to apply coercive pressure of any nature in the name of conducting investigation either into Bhanwari Devi case or in the circumstances leading to disappearance of Mrs. Indra Vishnoi and in particular, no action in violation to the provisions of Section 160 Cr.P.C. should be taken.
3. The respondents may be directed to carry out their investigation and to collect their evidence in accordance with law and not to create or fabricate the evidence by subjecting the minors and ladies of the family of the petitioner.
4. The respondents may be directed not to carry out any interrogation of any members of the petitioner family for making roving and fishing enquiry as to probable cause of alleged crime and not to arrest them for the purpose of generating evidence after affecting arrest.

5. The respondents may be directed to ensure that no media trial of the petitioner and that of her family members is permitted and the image of the petitioner is not tarnished by the respondents or through the media channels.
6. Any other order or relief in the interest of the petitioner may kindly also be granted.
2. In petition for writ certain allegations have been made to the extent that the respondents are calling the petitioner for the purpose of investigation, without adhering to the procedure prescribed under the Code of Criminal Procedure.
3. A reply to petition has been filed denying the allegations made in the petition for writ with assertion that the Central Bureau of Investigation is under obligation to adhere the procedure prescribed under the Code of Criminal Procedure for making necessary investigation and that has been piously followed in present case too.
4. Instead of entering into the complicated and disputed facts of the case, I deem it appropriate to dispose of this petition for writ by directing the Investigating Agency to ensure compliance of the procedure provided under Sections 116 and 160 Cr.P.C. while calling any person for the purpose of investigation in the case concern and to take all necessary care for maintaining dignity of the individual called for.
5. So far as the grievance of the petitioner with regard to misuse of authority is concerned, the petitioner is at liberty to ventilate her grievance by making representation to the authority competent.