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Rampratap Vs. State of Raj. and ors

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Court : Rajasthan Jodhpur

Decided On : Jun-03-2014

Appellant : Rampratap

Respondent : State of Raj. and ors

Judgement :

-1- IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

ORDER

SB Civil Writ Petition No.13457/2013 Rampratap v.

State of Rajasthan & ORS.Date of Order :: 3rd June, 2014 HON'BLE MR.JUSTICE GOVIND MATHUR Mr.S.D.Vyas, for the petitioner.

Mr.Anil Bissa, for the respondents...The Additional Chief Judicial Magistrate, Barmer, while accepting an application preferred under Section 437 Code of Criminal Procedure, by an order dated 15.3.2013 directed the Additional Director General of Police (Vigilance).Police HeadquarteRs.Jaipur, to proceed against Shri Rampratap, Deputy Superintendent of Police, Police Circle Balesar, District Jodhpur and Shri Loon Singh, Station House Officer, Police Station Sadar, Barmer with disciplinary action for their negligence in not filing the charge sheet within a period of 90 days as required under Section 167(2) Code of Criminal Procedure.

A direction was also given to inform the court about the disciplinary action taken against the erring officer.

A challenge is given to the order aforesaid by Shri Rampratap, Deputy Superintendent of Police.

It is submitted that the Additional Chief Judicial Magistrate, Barmer exceeded his jurisdiction while -2- giving direction to initiate disciplinary action and further to inform the court about the disciplinary action taken.

Heard learned counsel for the petitioner.

Additional Chief Judicial Magistrate, Barmer by order dated 15.3.2013 decided an application under Section 437 Code of Criminal Procedure.

While deciding such an application he was having no authority to give any direction to the Additional Director General of Police (Vigilance).Police HeadquarteRs.Jaipur to initiate disciplinary action against the police officials who conducted the investigation.

If the court was not happy with the mode and manner in which investigation took place, then the observation in that regard could have been made, but in no case any direction could have been given for initiating disciplinary action and further to inform the court about the disciplinary action directed to be taken.

The Additional Chief Judicial Magistrate, Barmer while giving such directions certainly exceeded the jurisdiction vested with him.

The order impugned, thus, deserves to be quashed to the extent it gives direction for initiating disciplinary action against the petitioner and Shri Loon Singh.

The petitioner for writ is allowed accordingly.

The directions given under the order dated 15.3.2013 passed by Additional Chief Judicial Magistrate, Barmer for initiating disciplinary action against petitioner Shri Rampratap and Shri Loon Singh are quashed.

It is made clear -3- that acceptance of this writ petition in no manner shall preclude the disciplinary authority of the petitioner to take disciplinary action against him at its own.

(GOVIND MATHUR),J.

kkm/ps.

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