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Court : Rajasthan

Decided On : Dec-19-1990

Reported in : 1990(2)WLN399

Judge : I.S. Israni, J.

Appeal No. : S.B. Criminal Misc. Petition 1384 of 1990

Appellant : Kunwar Pal

Respondent : State of Rajasthan

Judgement :

I.S. Israni, J.

1. Heard. The matter was heard for final disposal with consent of both the parties. It is submitted by Mr. Biri Singh, learned Counsel, that, initially, a case Under Section 376, IPC, was registered against the petitioner, regarding the incident, which took place on 7.4.85. FIR was lodged on 9.4.85. Thereafter, an offence was committed by the accused Under Section 354, IPC, and he was released on bail by the Investigating officer. However, the earlier bail was cancelled and the offence was converted to have been committed Under Section 376/511, 354/451 and 323, IPC. It is submitted that the statement of prosecutrix Mst. Kamla was recorded on 1.8.90. The statement was read-over by the learned Counsel. From this statement, it is evident that she only says that she suspects the petitioner to have committed

rape, because she found the petitioner loitering out-side her house, few days earlier.

2. It is further submitted by the learned Counsel that on 1.8.90, after recording the above statement of the prosecutrix, the trial court has directed that standing warrant be issued against the petitioner. It is also stated that this order for issue of standing warrant was given on 23.9.89. However, warrant was not issued. It is pointed out that the petitioner is absconding.

3. It is evident from the statment of Mst. Kamla that she has only suspicion against the petitioner. Moreover, as stated by the learned Counsel, the petitioner is prepared to surrender himself before the court also and is not absconding. Reliance has been placed on Babu v. State of Rajasthan RLR 1989 (2) 854.

4. In the circumstances, I feel it appropriate and in the interest of justice to convert the standing warrant, directed to have been issued vide orders dated 29.3.90 and 1.8.90, provided he furnishes a personal bond in the sum of Rs. 5,000/- with one surety in the like amount.

5. The petition stands disposed of, as above.