

Arun Kumar Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Mar-15-1995

Reported in : 1996(1)WLC215; 1995(1)WLN440

Judge : R.P. Saxena, J.

Appeal No. : S.B.Cr.Misc. Petitioner No. 128 of 1995

Appellant : Arun Kumar

Respondent : State of Rajasthan

Judgement :

R.P. Saxena, J.

1. Notice was given to the learned Public prosecutor who has accepted the same.
2. A case was registered vide FIR No. 219/95 Police Station Nathdwara against the petitioner, who was the then Secretary of Subhash Sewa Mandal for the offence under Section 409 IPC. In the year 1994, the petitioner came to know about the said case and he filed a petition under Section 438 Cr.P.C. on 17.12.94 seeking his anticipatory bail in the court of learned Sessions Judge, Rajsamand. Notice was given to the Public prosecutor on the same day and the case was fixed on 21.12.94 and thereafter on 5.1.95 as the P.P.sought adjournments for sending for the case diary. Thereafter, the case was again adjourned on 12.1.95, 17.1.95.

2.2.95 and 17.2.95.

3. A perusal of the certified copy of the order of the file of learned Sessions Judge reveals that he has liberally granted adjournments simply on the request of the P.P. that the case diary was not received by him. On 14.3.95 also, the learned Sessions Judge is reported to have not decided the said bail petition.

4. It is needless to mention that anticipatory bail petitions should be decided on priority basis and unnecessary and long adjournment should not be granted because by doing so the very purpose of filing pre arrest bail petition gets defeated. The case pertains to Police Station prosecutor before the Court for last three months and the learned Sessions Judge has also not taken any effective step for sending for the case diary and to dispose of the anticipatory bail petition filed by the petitioner. The dilatory tactics on the part of the prosecution should not have been ignored by the learned Sessions Judge in such cases, which amount to the abuse of the process of the Court.

5. The learned Sessions Judge, Rajsamand is directed to decide petitioner's pre-arrest bail petition in accordance with law on the next date already fixed by him in this case even if the prosecution fails to produce the case diary.

6. With these observations, this petition stands disposed of.