

Savitri Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Mar-03-2003

Reported in : 2004CriLJ201

Judge : O.P. Bishnoy, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 319

Appeal No. : Criminal Revn. Petn. No. 130 of 2003

Appellant : Savitri

Respondent : State of Rajasthan

Advocate for Def. : Ramesh Purohit, Public Prosecutor

Advocate for Pet/Ap. : P.C. Solanki, Adv.

Disposition : Petition dismissed

Judgement :

O.P. Bishnoy, J.

1. This revision petition has been filed against an order dated 20-1-2003 delivered by the learned Additional Sessions Judge (Fast Track), Jalore.

2. An application under Section 319 of the Cr. P.C. was moved by the complainant in the said Court with a prayer that cognizance for the offences under Sections 376/34, 366/34 and 120B of the I.P.C. be taken against four accused persons named in the application.

3. The learned counsel for the petitioner has argued that during the trial of the principal accused Dilip K. Vasu the petitioner was examined as a witness and she stated that Kailashpuri was the driver of the car in which she was taken away by Dilip K. Vasu. Further she deposed that the other accused persons Smt. Krishna Acharya, Shri Mahesh Sharma, Smt. Devki and Smt. Indra Kaur were also present and they instigated the principal accused Dilip K. Vasu to commit the offences.

4. After going through the impugned order I find that there is no good ground to interfere in the order passed by the learned trial Court. The learned trial Court has observed that the statement of the prosecutrix remains uncorroborated and he was not satisfied in the facts and circumstances of the case to take cognizance against any other person. The learned Court has made an observation that the testimony of other witnesses viz. PW/2 Ghanshyam Dave, PW/3 Jagdish Prasad Gupta and PW/4 Bhanwar Lal do not disclose a case in which the application may be allowed. Relying on the judgment of the Apex Court delivered in the case of Michael Machado v. Central Bureau of Investigation, AIR 2000 SC 1127 : (2000 Cri LJ 1706), the learned trial Court dismissed the application with an observation that in case during the testimony of remaining witnesses, who are to be examined during the trial, it appears that there is a good case to take cognizance against more persons, the petitioner shall be at liberty to move an application afresh.

5. I find no reason to differ with the conclusions drawn by the learned trial Court.

6. It will not be out of place to mention here that earlier a similar application moved under Section 319 of the Cr. P.C. was dismissed on 29-1-2001 but no copy of that order has been filed by the petitioner. Neither the copies of the statements of any witness recorded in the Court have been filed. In these circumstances I find no material to allow the petition. Consequently, the petition is dismissed.

