

Anwar Mohd. and ors. Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Aug-21-1987

Reported in : 1987WLN(UC)445

Judge : Shyam Sunder Byas, J.

Appeal No. : S.B. Cr. Misc. Application No. 256 of 1982

Appellant : Anwar Mohd. and ors.

Respondent : State of Rajasthan and ors.

Disposition : Application dismissed

Judgement :

Shyam Sunder Byas, J.

1. Heard and perused the record. The police submitted the negative final report in the Court of the learned Munsif and Judicial Magistrate, Chittorgath. On a protest petition filed by the complainant, the learned Magistrate took cognizance of the offence under Section 406 IPC against the three accused-petitioners. It was open to the learned Magistrate to peruse the case diary and see whether an offence was prima-facie made out against the accused-petitioners or not. He had powers to disagree with the conclusions of the Investigating Officer and to take cognizance of the offence. No. illegality has been pointed out in the impugned

order by the learned counsel for the petitioner.

2. It may be observed that it will be open to the accused-petitioners to put appearance in the Court below and contend before him that since no offence has made out, they should be discharged.

3. With the above observations, this application under Section 482 Cr.PC is dismissed.

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