

Ghure Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Sep-18-1987

Reported in : 1987WLN(UC)586

Judge : Vinod Shanker Dave, J.

Appeal No. : S.B. Cr. Misc. Bail No. 2211 of 1987

Appellant : Ghure

Respondent : State of Rajasthan

Judgement :

Vinod Shankar Dave, J.

1. Accused Mahadevi had moved an application before this court under Section 439 Cr. PC for granting bail to her in FIR No. 63/87 for an offence under Section 306 IPC. Diary had been summoned in this case by me on 10-8-1987 which was placed before me on 20-8-1987. I enlarged Accused petitioner Mahadevi on bail inter alia stating as follows:

The Investigating Officer has now come to the conclusion according to the Police diary that this is not a case of murder, but of committing suicide by Smt. Munni.

2. This fact I recorded after perusing brief prepared by Circle Officer, Dholpur. Last but one paragraph of this brief stated as follows:

rQ+rh'k gklyk] c;kukr xokgku uD'kekSdk] ?kVukLFky] QtZ tCrh jk[k gM~Mh o Q+;Z
fxjrkjh eqyfteku ls ;g Li'V gks pqdk gS fd eqUuh nsoh dks mldh lkl ,oa ifr }kjk rax
,oa ijs'kku fd;k tkrk Fkk A ftl ls og rax o ijs'kku gks dj dq, es dwn xbZ o [kqn[kq'kh dj
yh A

3. In this last paragraph it was mentioned that offence under Section 306, 201 and 498A, IPC are established. Thereafter Ghure another accused-petitioner moved an application for bail which came up for hearing on 31-8-1987 and I again, summoned the diary. Today when the diary came to me, I find that the figure 306 IPC has been altered to 302 IPC in the brief and so also in the carbon copy. Besides this document here in after shows that case has now been sent for charge sheet for offence under Sections 302, 201, 304A and 304B. Though, the diary does not disclose any further investigation after the aforesaid brief was prepared by the Circle Officer, except some details asked by the APP-1 according to his endorsement dated 31-8-1987. This all obviously means that some officers in charge of this case at whatever level he is has intermeddled with the affairs and has not only tried to over reach this court, but has made overwhelming documents obviously after the order dated 20-8-1987. Such sort of interpolation in the diary cannot be lightly taken. Let a notice be issued to the Investigating Officer as to why he should not be proceeded with for trying to bring this court into disrepute by making alteration in the police diary or in the alternative misguiding by preparing a brief. Notice is made returnable within three weeks.

4. Without expressing any opinion as to for what reasons the case has been altered 306 I.P.C. to 302 IPC. I would like to enlarge the accused petitioner on bail.

5. It is therefore, ordered that the petitioner Ghure shall be released on bail provided he furnishes a personal bond in the sum of Rs. 10,000/- (Rs. Ten Thousand Only) with two sureties in the amount of Rs. 5,000/- each to the satisfaction of the trial court with the stipulation to appear in that court as and when called upon to do so during the pendency of the trial against him in this case.

6. Copy of this order with a photostat copy of the brief shall be sent by name of the Home Commissioner for directing a detailed enquiry in the matter and prosecuting the person concerned for interpolation in the police department.

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