

State Vs. Hari Singh

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Court : Rajasthan Jodhpur

Decided On : Nov-01-2012

Appellant : State

Respondent : Hari Singh

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR ORDER (1) S.B. Criminal Revision Petition No. 911/2012 The State of Raj. vs. Hari Ram (2) S.B. Criminal Revision Petition No. 912/2012 The State of Raj. vs. Hari Singh (3) S.B. Criminal Revision Petition No. 913/2012 The State of Raj. vs. Ishwar Singh (4) S.B. Criminal Revision Petition No. 914/2012 The State of Raj. vs. Champa Ram (5) S.B. Criminal Revision Petition No. 915/2012 The State of Raj. vs. Raam Chandra (6) S.B. Criminal Revision Petition No. 916/2012 The State of Raj. vs. Kishan Lal (7) S.B. Criminal Revision Petition No. 917/2012 The State of Raj. vs. Mahendra Singh under Section 397 read with Section 401 Cr.P.C. against the orders dated 12.10.2012/11.10.2012 passed by learned Sessions Judge, Prevention of Corruption Act, Bikaner in the matter of complaint Case No. 99/2012,100/2012,111/2012,108/2012,90/2012 89/2012 and 104/2012 respectively. Date of Judgment:

1. 11..2012 PRESENT HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate General with Mr. Pradhyuman Singh for the State. BY THE COURT: These revisions petitions are against the similar orders and hence these revision petitions are decided by the common order. 2 The short

facts of the case are that the complaint has been filed in the Court of Sessions Judge, Prevention of Corruption Act, Bikaner against the public servant under Section 13(1) (C) (D) and Section 13(2) of the Prevention of Corruption Act and Section 420, 467, 468, 471 and 120B IPC. The aforesaid complaint was sent to the Addl. Superintendent of Police, Anti Corruption Butreau (hereinafter referred to as the ACB) vide order dated 22.8.2012 for registering an FIR. On receipt of the complaint the matter was considered and examined by the the Head Quarter, ACB and the order was made to conduct preliminary enquiry into the contents of the complaint and to submit the report thereafter to the Head Quarter. Thereafter, the learned Sessions Judge has observed vide order dated 12.10.2012 that the FIR was not registered and despite the order of the court why a preliminary enquiry has been ordered and it has also been directed that the Director General of Police, ACB, Head Quarter, Jaipur should present in person on 25.10.2012 to explain why contempt proceedings should not be initiated against him. Against this order, these revision petitions have been filed. Heard learned Addl. Advocate General with Shri Pradhhuman Singh for the State. The contention of the counsel for the State is that the law laid down in P. Sirajuddin etc. v. The State of Madras etc. 3 (AIR 197.SC

520) it is essential to have preliminary enquiry before lodging of the FIR and on relying this law, preliminary enquiry has been ordered and in view of the above, the order of the lower court is perverse and illegal. During course of arguments, it has been revealed that the trial court has ordered the Director General of Police, ACB to explain his position that why in spite of the court's order, FIR has not been registered and the date 25.10.2012 has been fixed for the same, but on 25.10.2012, the Director General, ACB did not remain present before the trial court on the ground that in other case, he has to appear before the Hon'ble High Court, hence exemption should be given and a reply has also been sent with the Inspector General of Police(II) ,ACB. The order-sheet of the the court dated 25.10.2012 suggests that DIG, ACB has submitted before the court that on the next date of hearing, the Director General of Police would be present before the court. The only anxiety of these revision petitions is to exempt the Director General of Police to appear before the trial court. The court below has relied upon the order of the Writ Petition No.68/2008 wherein it has been held that on receipt of the

complaint under Section 156(3), Cr.P.C., the S.H.O. should 4 register the case immediately and on relying this, a notice has been issued to the concerned Director to explain his position but without appearing before the court below, these revision petitions have been filed unnecessarily . The Director General of Police, ACB is free to appear before the court below and submit the contentions raised in these revision petitions. Needless to say that the court below should consider the matter in light of the contentions raised in the written reply to the notice and oral submissions if any. The proceedings of order dated 12.10.2012 are also of the suggestive that Anand Prakash, Deputy Superintendent of Police, ACB has submitted before the court that he is not authorised to explain any thing. He is only a forwarding agency to the Director General of Police and in view of the matter, the learned court has ordered for appearance of the Director General of Police, ACB. If there is any reasonable cause for non- appearance of the person concerned, it can also be submitted before the court below. In view of the above, all these revision petitions are disposed of. Accordingly, the stay petitions also stand disposed of. (NISHA GUPTA),J.

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5. S.B. Criminal Revision Petition No. 911/2012 Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order) By Order Court Master 6 S.B. Criminal Revision Petition No. 911/2012 Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order) By Order Court Master 7 S.B. Criminal Revision Petition No. 912/2012 Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order in S.B.Cr.Revision Pet. No. 911/2012) By Order Court Master 8 S.B. Criminal Revision Petition No. 913/2012
Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order in S.B.Cr.Revision Pet. No. 911/2012) By Order Court Master 9 S.B. Criminal Revision Petition No. 914/2012
Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order in S.B.Cr.Revision Pet. No. 911/2012) By Order Court Master 10 S.B. Criminal Revision Petition No. 915/2012
Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order in S.B.Cr.Revision Pet. No. 911/2012) By Order Court Master 11 S.B. Criminal Revision Petition No. 916/2012
Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order in S.B.Cr.Revision Pet. No. 911/2012) By Order Court Master 12 S.B. Criminal Revision Petition No. 917/2012
Date of Order:

1. 11.2012 HON'BLE MRS. NISHA GUPTA, J.

Mr. Anand Purohit, Addl. Advocate with Mr. Pradhyuman Singh for the State. The revision petition is disposed of (See separate order in S.B.Cr.Revision Pet. No.

911/2012) By Order Court Master

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