

In the High Court of Judicature for Rajasthan at Jaipur
Bench Jaipur
O R D E R

S.B. Criminal Miscellaneous Petition No.148 of 2016

Ishaque Mohammad Vs. State of Rajasthan & Others

Date of Order :: 29.07.2016

Hon'ble Mr. Justice Kanwaljit Singh Ahluwalia

Mr. Azad Ahmed, Counsel for the petitioners
Mr. N.S. Dhakad, Public Prosecutor for the State
Mr. Kishan Lal Sharma, Counsel for the respondent

Instant petition has been preferred under Section 482 of Code of Criminal Procedure, 1973 praying interalia that the respondents be directed to effect the arrest of the accused in a case arising out of First Information Report No.17/2014 registered at Police Station Jurhera, District Bharatpur for offences punishable under Sections 143, 323, 324, 341 and 307 of Indian Penal Code.

In compliance of the order dated 05.07.2016, Sub Inspector Mr. Keshar Singh, Police Station Jurhara, District Bharatpur, being Investigating Officer of the case, is present in person before this Court. He has submitted that the Court of Magistrate is not accepting the charge-sheet till accused is arrested. Investigating Officer, present in person, has further submitted that the investigation is complete, but since accused is not being arrested, the Court is not accepting the charge-

sheet and even proceedings to declare the accused as a proclaimed offender are not being undertaken by the Court.

At this stage, Mr. N.S. Dhakad, learned Public Prosecutor appearing for the State of Rajasthan, on instructions from Investigating Officer, present in person, has submitted that the report of investigation, along with the opinion of the Investigating Officer shall be submitted in the Court of competent jurisdiction under Section 299 Cr.P.C. within a period of one month. Mr. Dhakad, Id. Public Prosecutor, on instructions from Investigating Officer, present in person, has further submitted that Investigating Officer shall file an application under Sections 82 and 83 Cr.P.C. for declaring the accused as proclaimed offender, along with the list of the property of the accused for attachment.

Having heard the learned counsel appearing for the parties, the present petition is, hereby, **disposed of**, with the direction to the Investigating Officer to submit report of investigation, along with his opinion in the Court of competent jurisdiction within a period of one month. The said Court shall proceed with the report of investigation in accordance with the provisions of law. Even if the accused is not arrested, said Court shall proceed in accordance with the provisions of law for declaring the accused not arrested as proclaimed offender. The

trial Court shall not desist from undertaking coercive action to seek presence of the accused named during the course of investigation.

With the directions issued herein above, present petition is, hereby, disposed of.

A further direction is, hereby, issued to the Deputy Registrar (Judicial) of this Court to send a copy of this order forthwith to Additional Chief Judicial Magistrate, Kaman, District Bharatpur.

Upon disposal of the main petition, stay application, filed therewith does not survives and the same is also disposed of.

[Kanwaljit Singh Ahluwalia] J.

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