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**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

ORDER

IN

S.B. Cr. Misc. Petition No.1687/2016

Smt. Chanta w/o Banwari Lal Bairwa,
aged 24 years, by caste Bairwa, R/o
village Hingtada, Village and Post
Ajgara, Tehsil Sarwar, P.S. Sarwar,
District Ajmer, Rajasthan
...victim-petitioner

Versus

1. State of Rajasthan through
Principal Secretary, Government of
Rajasthan, Department of Home,
Secretariat, Jaipur
2. The Director General of Police,
Rajasthan, Jaipur, PHQ, Jaipur
3. Superintendent of Police, Ajmer
...Respondents
4. Pradhan S/o Mahaveer, by caste
Mali, R/o village Hingtada, V/P
Ajgara, Tehsil Sarwar, P.S. Sarwar,
District Ajmer, Rajasthan
5. Polu Ram S/o Ramnarayan, by
caste Kumhar, R/o village Hingtada,
V/P Ajgara, Tehsil Sarwar, P.S.
Sarwar, District Ajmer, Rajasthan
6. Ramprasad S/o Polu, by caste
Keer, R/o village Hingtada, V/P
Ajgara, Tehsil Sarwar, P.S. Sarwar,
District Ajmer, Rajasthan
7. Kishan Lal S/o Nanda, by caste
Bairwa, R/o village Chandali/Bargaon,
V/P Rampali, Tehsil Sarwar, Police
Station Sarwar, District Ajmer
8. Nemi S/o Bholu, by caste Raigar,
R/o village Hingtada, V/P Ajgara,
Tehsil Sarwar, P.S. Sarwar, District
Ajmer, Rajasthan
...Accused-respondents
9. Norata S/o Ugama, by caste
Bairwa, R/o village Hingtada, V/P
Ajgara, Tehsil Sarwar, P.S. Sarwar,
District Ajmer, Rajasthan
...Respondent

Date of Order ::: 23.09.2016

Present

Hon'ble Mr. Justice Mohammad Rafiq

Mr. S.L. Songara, counsel for petitioner
Mr. N.S. Dhakad, Public Prosecutor, for the State

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By the Court:-



// 2 //

It is contended that death of husband of petitioner Banwari was caused by accused-respondents. Case was reported to the police but the police did not register the case under proper offence. The accused-respondents no.4 to 9 conspired and adopted illegal procedure, manipulated or shaped the police report in such a way, to save the accused from the offence of murder and made it a simple case of accident. The petitioner filed representation to the Superintendent of Police, Ajmer on 24.02.2016 and the F.I.R. No.43/2016 at Police Station Sarwar, District Ajmer, was also got registered on the report of Norata Bairwa, for offence under Sections 279 and 304A of the Indian Penal Code. Hence this petition for a direction to respondents no.1 to 3 to supervise and monitor the investigation of offence registered vide F.I.R. No.43/2016, Police Station Sarwar and conclusion of investigation be filed before the competent court as per amended provisions of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 2015.

In the facts of the case, the petition is disposed of with the direction to the Superintendent of Police, Ajmer, to examine the matter particularly the allegation of petitioner that a case in which murder has taken place, is being sought to be converted at the instance of the accused into a case of death by rash and negligent driving of accused-respondents no.4 and 5, namely, Pradhan and Polu Ram, whereas, according to the petitioner, it was a case of murder and police is not making proper investigation to nab the culprits. The Superintendent of Police shall examine the grievance of the petitioner and may, in his discretion,



// 3 //

if need be, change the investigating officer for early completion of investigation.

(Mohammad Rafiq) J.



सत्यमेव जयते