

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).1275/2006

(From the judgement and order dated 24/02/2006 in SBCRL No. 62/2006  
& SBCRL No. 63/2006 & SBCRL No. 1510/2006 of The HIGH COURT OF  
RAJASTHAN AT JAIPUR)

SURINDER NATH KAPOOR & ANR.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.)

Date: 27/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH  
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Alok Kumar Sen Gupta, Sr. Adv.  
Mr. Narottam Vyas, Adv.  
Ms. Deep Shikha Bharat, Adv.  
Mr. B.D. Sharma, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

It appears that the learned Magistrate without finally expressing any opinion on the police report submitted to him proceeded to examine the complainant before him. Later on, on the request of the prosecution further investigation was ordered by the Magistrate in the police case. Learned Senior Counsel states that the procedure followed by the Magistrate was erroneous inasmuch as he had impliedly rejected the police report and taken notice of the complaint case when he permitted the complainant to examine himself and to adduce evidence before the Magistrate in support of the complaint.

It appears that the Magistrate apparently committed an error in proceeding with the police case and the complaint case simultaneously, which is in the teeth of section 210, Cr.P.C.

Learned Senior Counsel submits that if an opportunity is given to the petitioner to satisfy the Magistrate that having regard to the facts and circumstances of the case further investigation is not necessary, that will be in the interest of justice.

Issue notice.

(A.D. Sharma)  
Court Master

(Vijay Dhawan)  
Court Master

