

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4681/2012

(From the judgement and order dated 27/03/2012 in CRLMP No.973/2012 of the HIGH COURT OF RAJASTHAN AT JAIPUR)

SUMAN Petitioner(s)

VERSUS

STATE OF RAJASTHAN Respondent(s)

(With appln(s) for ex-parte stay and exemption from filing O.T.)

Date: 13/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Neeraj Dutt Gaur, Adv.
for Mr. S.S.Nehra, Adv.

For Respondent(s)

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

It is the case of the petitioner that her husband Bijender has been arrested as Sandeep, who is one of the three brother of Bijender. The arrest is made in connection with Regular Criminal Case No. 341 of 2011 under Sections 420, 406 and 120-B of the Penal Code, pending in the Court of Judicial Magistrate, Pilani, Rajasthan.

From the orders of the courts below, it appears that the arrested person, on being produced before the Magistrate for remand, never said that he was not Sandeep but he was his brother Bijender. Moreover, an application

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for bail on behalf of the arrested person was filed in the name of Sandeep and the arrested person, seeking bail, also gave his vakalatnama to the lawyer signing his name as Sandeep.

On behalf of the petitioner, however, it is stated that when on her petition, notice was issued to the arrested person, he asserted that he was, in fact, Bijender and not Sandeep and he has been misrepresenting himself as Sandeep under the pressure by the Police.

The case of the petitioner was not accepted by the trial court, the Sessions Judge and even by the High Court.

Nevertheless, after going through the materials on record, we feel it would be appropriate to have one more inquiry made in the matter.

We, accordingly, direct the Superintendent of Police, Jhunjhunu, Rajasthan, to examine the matter and to submit a report to this Court as regards the true identify of the person arrested in connection with Criminal Case No. 341/2011 pending in the Court of Judicial Magistrate, Pilani, Rajasthan.

The report should reach this Court within four weeks from today.

Put up immediately on receipt of the report.

|(N.S.K. Kamesh)
|Court Master

|(Sneh Bala Mehra)
|Court Master