

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 (Cr1.) No(s).106-107/2021

(Arising out of impugned final judgment and order dated 12-06-2020 in SBCRLMP No.2040/2020, 02-07-2020 in SBCRLMP No.2300/2020 passed by the High Court Of Judicature For Rajasthan At Jaipur)

STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

JAGDISH PRASAD

Respondent(s)

WITH

SLP(Cr1) No.1679-1691/2021 (II)

(FOR ADMISSION and I.R. and IA No.27221/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.27223/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.1065-1069/2021 (II)

(FOR ADMISSION and I.R. and IA No.16362/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.16363/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.1063-1064/2021 (II)

(FOR ADMISSION and I.R. and IA No.16358/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.16360/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.4477-4478/2021 (II)

(FOR ADMISSION and I.R. and IA No.72119/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.72121/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.146/2021 (II)

(FOR ADMISSION and I.R. and IA No.2145/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.2146/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.286/2021 (II)

(FOR ADMISSION and I.R. and IA No.3128/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3129/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.1613-1614/2021 (II)

(FOR ADMISSION and I.R. and IA No.26045/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.26046/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No.312/2021 (II)
(FOR ADMISSION and I.R. and IA No.3549/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.3551/2021-EXEMPTION FROM
FILING O.T.)

SLP(Cr1) No.4017-4020/2021 (II)
(FOR ADMISSION and I.R. and IA No.65094/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No.1042/2021 (II)

Date : 08-09-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Dr. Manish Singhvi, Sr. Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. Abhishek Gupta, Adv.
Mr. Zafar Inayat, Adv.
Ms. Rohini Musa, Adv.
Mr. Satish Khandelwal, Adv.
Ms. Saroj Gupta, Adv.

For Respondent(s) Mr. Pai Amit, Adv.
Mr. Milind Kumar, AOR

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

SLP(Cr1) No.4017-4020/2021

We have taken note of the brief written notes submitted on
behalf of the State, who is respondent in Special Leave Petition
(Cr1.) Nos.4017-4021/2021, wherein, while indicating different FIRs
relating to different petitions pending in the High Court, it has
been specifically stated as under:

"2. Of the aforementioned cases, Rules 54/60 of the
Rules have been invoked in the following FIRs:
SI. No.1 - FIR No.6 of 2021 dated 17.01.2021 in PS
Bonli, District Sawai Madhopur.

SI. No.4 - FIR No.30 of 2021 dated 11.02.2021 in PS
Bonli, District Sawai Madhopur.

Therefore, the procedure prescribed under Rules 54/60

will prevail.

In the following cases, Rules 54/60 have not been specifically invoked:

SI. No.2 - FIR No.59 of 2021 dated 06.02.2021 in PS Niwai Sadar, District Tonk.

SI. No.3 - FIR No.18 of 2021 dated 26.01.2021 in PS Niwai Sadar, District Tonk.

Also, in the FIRs in the impleadment application:

SI. No.5 - FIR No.24 of 2021 dated 05.02.2021 in PS Niwai Sadar District Tonk.

SI. No.6 - FIR No.24 of 2021 dated 05.02.2021 in PS Niwai Sadar, District Tonk.

In the FIRs mentioned at SI. No.2, 3, 5 & 6, though Sections 4/21 of the MMDR Act has been invoked, Rules 54/60 have not been invoked, and therefore, the procedure under the general law, i.e. S.451/457 of CrPC will have to apply.

Similarly, SI. No.7, only the Rajasthan Police Act is invoked, and neither the MMDR Act nor the Rules have been invoked, and therefore, the procedure under the general law, i.e. S.451/457 of CrPC will have to apply."

In view of the above-noted stand of the State of Rajasthan fairly taken before us, we are clearly of the view that so far the writ petitions pertaining to the referred FIRs, for which the State has no quarrel that the procedure envisaged by Sections 451/457 of Code of Criminal Procedure will have to apply, need not detain us and rather, the High Court is requested to proceed with the respective writ petitions, being SB Criminal Writ Petition No.270 of 2021, SB Criminal Writ Petition No.271 of 2021, SB Criminal Writ Petition No.371 of 2021, SB Criminal Writ Petition No.376 of 2021 and SB Criminal Writ Petition No.358 of 2021 on their merits.

No further orders being required in the Impleadment

application (IA No.71347 of 2021), the same is disposed of accordingly.

List the matters on 16.09.2021 at 2 p.m.

(ARJUN BISHT)
(COURT MASTER (SH))

(PRADEEP KUMAR)
(BRANCH OFFICER)

(ASHWANI THAKUR)
AR-CUM-PS