



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1441 OF 2024
(Arising out of S.L.P.(Criminal) No.436 of 2024)

RAMVEER . . . APPELLANT(S)

VS.

STATE OF RAJASTHAN . . . RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

Notwithstanding the order dated 17th February, 2023 of this Court, the trial has not concluded. The important prosecution witnesses have been examined. The appellant was arrested on 18th August, 2021.

We may note here a very shocking feature of the case. PW-2 is the daughter of the deceased. In her examination-in-chief, she has stated thus:

"... There was a scuffle between mom and Ramveer over some issue, then Ramveer got angry and took out a pistol and fired it at mom and forbade me from telling this to anyone and said that if I told anyone, he would kill me too. After this he called someone and left from there. After that he came back after two to five minutes and started telling someone on the phone that bullet had hit. That other one told that call

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the police and then he called the police. After this he tried to give me money but I refused to take the money. After that he went out to take the police and said that this woman had shot herself and then said that this girl had shot her. The policemen gave me a pistol and asked me show how it fires. I was scared. After interrogating the police took me to the police station. There they beat me and said tell that you are the one who shot your mother. Then I was sent back home at 7:30 in the night. Exhibit P-3 is the map of the place of occurrence bearing my signature from A to B..."

(underline supplied)

The witness was not declared as hostile. Therefore, what she has stated above insofar as the acts of the police are concerned, has gone unchallenged. The age of the witness on the date of the incident was approximately 14 years. She stated that firstly, the police suspected that she had committed the offence and therefore, a policeman gave her a pistol and asked her to show how it fires. She was scared. She was taken to the police station where she was assaulted and the police tried to compel her to tell that she was the one who had shot at her mother. As this portion of the evidence has gone unchallenged, it is a case of serious misconduct on the part of the police personnel. Not only that this is a misconduct, but an offence has been committed.

We, therefore, direct that a copy of this order shall be forwarded to the Director General of Police,

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Rajasthan who will immediately initiate an inquiry into the episode and will ensure that not only that an action on the administrative side is taken but the criminal law is set in motion.

Considering the facts of the case, the appellant deserves to be enlarged on bail. The appeal is accordingly allowed.

For that purpose, the appellant shall be produced before the Trial Court within a period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions.

It will be the responsibility of the respondent-State to immediately communicate this order to its Director General of Police.

We direct the Registry to forward a copy of this order to the Director General of Police, Rajasthan.

Though we are disposing of the appeal by allowing the same, we direct that the appeal shall be listed before this Court on 26th April, 2024, when the Director General of Police, Rajasthan shall submit a report to this Court about the action taken.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
March 07, 2024.

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ITEM NO.5

COURT NO.8

SECTION II

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 (CrI.) No(s). 436/2024

(Arising out of impugned final judgment and order dated 05-09-2023 in SBCRMSBA No. 11141/2023 passed by the High Court of Judicature for Rajasthan, Bench at Jaipur)

RAMVEER

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

(IA No.262618/2023-EXEMPTION FROM FILING O.T.)

Date : 07-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Ms. Chitragda Rastravara, AOR
Mr. Aishwary Mishra, Adv.
Mr. Dashrath Singh, Adv.
Mr. Dhananjai Shekhwat, Adv.
Mr. Abhijeet Singh, Adv.
Mr. Anirudh Singh, Adv.
Ms. Anjali Sexena, Adv.
Ms. Gagandeep, Adv.

For Respondent(s)

Mr. Vidhan Vyas, Adv.
Mr. Milind Kumar, AOR
Mr. Syed Haider Shah, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

The appellant shall be produced before the Trial Court within a period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions.

Though we are disposing of the appeal by allowing the same, we direct that the appeal shall be listed before this Court on 26th April, 2024, when the Director General of Police, Rajasthan shall submit a report to this Court about the action taken.

Pending application also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)