

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 4865/2024

Mahendra Singh S/o Shri Roopa Ram, Aged About 38 Years, R/o Subhash Nagar, Jerthi, Police Station Dadiya, District Sikar At Present Lodged In The District Jail, Jalore.

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. RS Choudhary.
For Respondent(s) : Mr. Mahipal Bishnoi, PP.

HON'BLE MR. JUSTICE ARUN MONGA**Order(Oral)****25/07/2024**

1. Grievance of the petitioner stems from an order dated 11.07.2024 passed by the learned Sessions Judge, Jalore, in Sessions Case No. 56/2024, whereby the application of the petitioner under Section 91 of Cr.P.C. was dismissed
2. The petitioner is embroiled in an FIR No. 0119 dated 12.04.2024, under Sections 302 of IPC. Notably, FIR was lodged 11 months and 24 days after the alleged murder of Sunil Kumar on the night of 18/04/2023, while staying at Hotel Madhuban, owned by the complainant, Jitendra Kumar. An inquest report (No. 6 of 2023) was registered on 19/04/2023 by the deceased's father. During the police inquiry, allegedly, an extra-marital affair of the deceased's wife, Sunita, with Manoj Kumar came to light. Subsequently, Jitendra Kumar allegedly filed a complaint against the petitioner, resulting in the current FIR.



2.1. In course of Investigation, petitioner was put under arrest and a charge sheet filed on 09/06/2024 under Section 302 IPC solely against the petitioner. Some documents from the inquest report were included in the charge sheet, but the complete 66-page file was not provided to the petitioner, with potentially favorable documents being withheld, asserts the petitioner. Aggrieved, the petitioner filed an application under Section 91 CrPC before the Trial Court to obtain a copy of the complete inquest report, but the learned trial court rejected both application on 11.07.2024. Hence, this petition.

3. In the aforesaid backdrop, I have heard learned counsel for the petitioner and the learned Public Prosecutor.

4. First and foremost, given the seriousness of the offences involved herein, I am of the view that the learned trial court, rather took over-pedantic view of not summoning the quest report. Perhaps being mindful that the same is dilatory tactic to delay the trial proceedings. No doubt certain delay would be caused, but in a matter, where the offence is grave and the consequences thereof can lead to the life imprisonment and/or capital punishment justice should not only be done, but also seem to have been done.

5. The evidence, given its nature and relevancy, sought to be adduced cannot thus be given short-shrift merely to save the time of the Court.

6. Even otherwise, the quest report, will rather help the learned trial court to unravel the truth. It is, therefore, deemed appropriate that the same is allowed to be brought on record.



7. Consequently, the petition is allowed. The impugned order dated 11.07.2024 passed by the learned Sessions Judge, Jalore, is set aside, and the application of the accused-petitioner seeking to summon the quest report is allowed. The needful be done in accordance with law and the trial to proceed further.

8. Pending application(s), if any, stand disposed of.

(ARUN MONGA), J

88-/Jitender//-

Whether fit for reporting- Yes / No