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IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 24th OF MARCH, 2022

MISC. CRIMINAL CASE No. 5948 of 2022

Between:-

SHIVKUMAR KUSHWAHA ;

.....PETITIONER

SHRI RAMBIHARI GAUTAM, ADVOCATE FOR APPLICANT

AND

1. **THE STATE OF MADHYA PRADESH THROUGH P.S.
SLEEMNABAD KATNI (MADHYA PRADESH)**
2. **VICTIM**

.....RESPONDENTS

SHRI PIYUSH JAIN, GOVERNMENT ADVOCATE FOR STATE

*This application is taken up for hearing and the Court has passed
following*

ORDER

Ms.Rekha Prajapati, T.I Bahoriband, District Katni is present in person. She submits that the charge sheet was prepared by one Ms.Monika Tiwari, S.D.O.(P) Sleemnabad, District Katni. In the charge sheet, which was filed before the Court, it is mentioned that the compact disc, which was prepared on the basis of the data downloaded from the mobile, is part of the charge sheet as is mentioned in a slip dated 10.10.2021.

Ms.Rekha Prajapati, T.I Bahoriband, District Katni tenders her unconditional apology for not making it a part of the case diary sent to the Office of the Advocate General. She submits that the case diary was forwarded by Police Station Sleemnabad, District Katni whereas she is working at Police Station Bahoriband, District Katni.

In view of such facts & unconditional apology tendered by Ms.Rekha

Prajapati, T.I Bahoriband, District Katni, it is evident that the T.I of Police Station Sleemnabad, District Katni is *prima facie* guilty of suppressing the correct facts & not forwarding the relevant copies of the document(s), which were filed before the competent Court on 12.10.2021 whereas the case diary was received in the Office of the Advocate General on 3.2.2022.

Let Deputy Inspector General of Police, Jabalpur Zone, Jabalpur conduct an inquiry into the conduct of delinquency on the part of the T.I. Sleemnabad, District Katni, who has forwarded incomplete case diary pertaining to Crime No.424/2021 suppressing the material document(s) so as to facilitate bail of the accused & furnish its report through Principal Registrar (Judicial) in a sealed cover within a period of seven days from today.

The unconditional apology tendered by Ms.Rekha Prajapati, T.I Bahoriband, District Katni is accepted as I am satisfied that she has carried out investigation under the guidance of Ms.Monika Tiwari, S.D.O.(P) Sleemnabad, District Katni & Ms.Monika Tiwari S.D.O.(P) Sleemnabad, District Katni has made a mention of preparation of compact disc from the data, which is retrieved showing the video prepared by the accused in relation to the prosecutrix.

Shri Ram Bihari Gautam, learned counsel for the applicant, when informed that a compact disc of obscene video has been recovered from the mobile of the present applicant, prays for withdrawal of this bail application.

Accordingly, this bail application stands dismissed as withdrawn.

It is made clear that dismissal of this bail application will not be a ground for not conducting an inquiry into the conduct of delinquency of the T.I.Sleemnabad, District Katni.

Let copy of this order being passed today be forwarded to the Deputy

Inspector General of Police, Jabalpur Zone, Jabalpur through Shri Piyush Jain, learned Government Advocate for the non-applicant/State during the course of the day for communication & compliance.

(VIVEK AGARWAL)
JUDGE

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