



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

S.B. Criminal Misc(Pet.) No. 2416/2016

Rajmal Kala S/o Arjunram, by caste Jat, R/o Balaya Thana,
Mundwa Hall, Hanuman Bagh Colony, Nagaur (Raj)

-----Petitioner

Versus

State of Rajasthan

-----Respondent



For Petitioner(s) : Mr. Nishant Bora
For Respondent(s) : Mr. Dhanraj Vaishnav, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

11/12/2024

The petitioner has preferred this criminal misc. petition under Section 482 Cr.P.C. against the order dated 17.12.2015 passed by the Superintendent of Police, Nagaur directing to open the history sheet of the petitioner.

Learned counsel for the petitioner submits that total seven cases have been lodged against the petitioner, out of which, in two cases, the petitioner has been acquitted, in one case, FR has been filed by the police, one case is pending investigation and rest of the cases are pending trial. It is argued that the Superintendent of Police, Nagaur while acting in an arbitrary manner has ordered to open history sheet of the petitioner curtailing his right to life and liberty, therefore, the same may kindly be quashed and set aside.



Learned counsel for the petitioner has relied upon the following judgments rendered at Principal Seat as well as Jaipur Bench of this Hon'ble Court:

- Sohan Lal Vs. State of Rajasthan & Ors. [2015 1 CriC(Raj)316].
- Babu Lal Vs. State of Rajasthan [2006 2 CriC(Raj) 1182].
- Shyam Lal Vs. State of Rajasthan [2012 3 CrLR 1325].
- Swaroop Singh Vs. State of Rajasthan & Ors. [S.B. Civil Writ Petition No.10993/2013].
- Ramgopal Jain Vs. The State of Rajasthan & Ors. [2013(3) WLC (Raj.) 466].
- Suraj Prakash Meena Vs. State of Rajasthan & Ors. [2015 4 CrLR 1938]
- Mahesh Kumar Vs. State of Rajasthan & Ors. [2016 2 CriCC 424].

Learned Public Prosecutor has submitted a reply and it is stated that seven cases were registered against the petitioner, out of which, in one case the petitioner has been acquitted on the basis of compromise and in one case the petitioner has been acquitted and other three cases are still pending trial. It is argued that the petitioner is a habitual offender and seven cases have been registered against the petitioner under different sections.

Learned counsel for the petitioner in rejoinder has shown the Rajasthan Police Rules, 1965, Rule 4.4 whereof deals with the Surveillance Register No.8 whereby the Historysheet is maintained. The said Rule 4.4 of the Rajasthan Police Rules, 1965, reads as under:



"4.4. Surveillance Register No.,8 - (1) In every police station, other than those of the railway police, a Surveillance Register shall be maintained in form 4.4(1).

(2) In part I of such register shall be entered the names of persons commonly resident within or commonly frequenting the local jurisdiction of the police station concerned, who belong to one or more of the following classes :-

(a) All persons who have been proclaimed under section 87, Code of Criminal Procedure.

(b) All released convicts in regard to whom. an order under section 565, Criminal Procedure Code, has been made.

(c) All convicts the execution of whose sentence as suspended in the whole, or any part of whose punishment has been remitted conditionally under section 401, Criminal Procedure Code.

(d) All persons restricted under Rules of Government mode under section 8 of the Rajasthan Habitual Offenders Act, 1953.

(3) In part II of such register may be entered at the discretion of the Superintendent : -

(4) Persons who have been convicted twice, or more than twice, of offences mentioned in rule 8.22;

(b) persons who are reasonably believed to be habitual offenders or receivers of stolen property whether they have been convicted or not;

(c) persons under security under sections 109 or 110, code of Criminal Procedure;

(d) convicts released before the expiration of their sentences under the Prisons Act and Remission Rules without imposition of any conditions.





Note:- This rule must be strictly construed, and entries must be confined to the names of persons falling in the four classes named therein.”

Learned counsel for the petitioner in his rejoinder submits that a bare perusal of the aforequoted Rule, makes it amply clear that the petitioner does not fall within the ambit of necessary requirements of Rule 4.4 in the Surveillance Register.

After hearing learned counsel for the parties, as well as perusing the record of the case alongwith the precedent law cited at the Bar and Rule 4.4 of the Rajasthan Police Rules, 1965 as quoted above, this Court is of the opinion that it is a consistent position of the precedent law that where a person is not convicted twice in the cases pending against him, then the entry of the name of the person concerned from the surveillance register was to be removed.

This Court has also read the aforequoted Rule 4.4 of the Rules of 1965, and finds that in the present facts and circumstances, the said Rule 4.4 is not applicable for maintaining the name of the petitioner in the Surveillance Register. The fact of the petitioner having seven cases is not denied, however, he has been acquitted in two cases and has not been convicted twice.

In view of the above, the present petition is allowed. The respondents are directed to delete the name of the petitioner from the Surveillance Register No.8, forthwith.

Stay petition also stands disposed of.

(MANOJ KUMAR GARG),J

218-BJSH/-