

कार्यालय अतिरिक्त महानिदेशक पुलिस, सी.आई.डी. (अपराध शाखा),

राजस्थान, जयपुर।

क्रमांक:--र-9ख()अप.शाखा/विधि/2015/2503-58

दिनांक:- 10.3.15

परिपत्र

विषय:- वाहन चालको की पहचान सुनिश्चित करने के सम्बन्ध में।

माननीय उच्च न्यायालय जोधपुर ने एस.बी. क्रिमिनल रिविजन पिटिशन नं. 1231/2014 अयूथ अली बनाम राजस्थान राज्य के आदेश दिनांक 17.12.2014 (प्रति संलग्न) में टिप्पणी की है कि नाबालिग एवं युवा पहचान छिपाने के लिये कपडे से चेहरा ढककर दुपहिया एवं चौपहिया वाहन चलाते हैं। इस प्रवृत्ति की रोकथाम किया जाना आवश्यक है। अतः निर्देशित किया जाता है कि :-

1. वाहन चालक दुपहिया एवं चौपहिया वाहन चलाते समय अपना पूरा चेहरा कपडे से ढककर नहीं रखें इसके लिये पुलिसकर्मियों द्वारा निगरानी रखी जाये।
2. दुपहिया व चौपहिया वाहन चालको को उनकी पहचान छिपाकर वाहन चलाने की अनुमति नहीं दी जावे एवं यदि कोई कपडे से चेहरा ढककर वाहन चलाते हुए पाया जाता है तो उसके विरुद्ध दण्ड प्रक्रिया संहिता के प्रावधानों के तहत निरोधात्मक कार्यवाही सुनिश्चित की जाए। यदि ऐसे वाहन चालक द्वारा मोटर व्हीकल एक्ट के प्रावधानों का उल्लंघन किया गया हो तो मोटर व्हीकल एक्ट की संबंधित धाराओं में भी आवश्यकतानुसार कार्यवाही की जा सकती है।
3. दुपहिया वाहन चालक हेलमेट पहन कर वाहन चलाते हैं तो मौसम संबंधी प्रभाव से राहत मिल सकती है फिर भी अधिक धूप अथवा अधिक सर्दी के मौसम से किसी को एलर्जी हो तो उन्हें प्रेरित करावें कि वह इस संबंध में एलर्जी बाबत मेडीकल प्रमाण पत्र साथ रखकर वाहन चलायें ताकि असाधारण परिस्थिति में जांच के समय शिथिलता प्रदान की जा सके। किन्तु सभी वाहन चालकों के लिए सामान्य रूप से शिथिलता प्रदान नहीं की जावे।
4. चौपहिया वाहन चालकों को सामान्यतया कपडे से चेहरा ढकने की आवश्यकता नहीं होती है, फिर भी अधिक धूप अथवा अधिक सर्दी के मौसम से किसी को एलर्जी हो तो उन्हें प्रेरित करावें कि वह इस संबंध में एलर्जी बाबत मेडीकल प्रमाण पत्र साथ रखकर वाहन चलायें ताकि असाधारण परिस्थिति में जांच के समय शिथिलता प्रदान की जा सके।

उपरोक्तानुसार माननीय उच्च न्यायालय के निर्देशों की अक्षरक्षः पालना सुनिश्चित की जाए।

संलग्नः उपरोक्तानुसार।

(पंकज कुमार सिंह)
अति. महानिदेशक पुलिस
सी.आई.डी.(सी.बी.) राज.जयपुर।

प्रतिलिपि: - विशिष्ट शासन सचिव गृह (ग्रुप-10) विभाग राजस्थान जयपुर को सूचनार्थ।

प्रतिलिपि निम्नांकित को पालनार्थ:-

1. पुलिस आयुक्त, जयपुर/जोधपुर, समस्त महानिरीक्षक पुलिस, रेंज राजस्थान मय जी.आर.पी. जयपुर।
2. समस्त पुलिस उपायुक्त, जयपुर/जोधपुर।
3. समस्त जिला पुलिस अधीक्षकगण, राजस्थान मय जी.आर.पी. अजमेर/जोधपुर।

अति. महानिदेशक पुलिस
सी.आई.डी.(सी.बी.) राज.जयपुर।

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

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S.B. Cr. Revision Petition No.1231/2014
Ayub Ali Vs. State of Rajasthan

DATE OF ORDER : 17.12.2014

HON'BEL MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Anil Kaviraj, for the petitioner.
Mr. Deepak Choudhary, Public Prosecutor.

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The instant criminal revision petition has been filed by the petitioner, who is Juvenile through his natural guardian uncle Nabbu Khan S/o Kasam Khan, resident of Tesil Ladnu, District Nagaur under Section 53 of the Juvenile Justice (Care & Protection of Child) Act read with Section 397/401 IPC against the order dated 20.11.2014 passed by the Addl. Sessions Judge, Nagaur in Cr. Appeal No.75/2014, whereby the learned appellate court confirmed the order dated 18.11.2014 passed by the learned Juvenile Justice Board, Nagaur by which the application filed under Section 12 of the Juvenile Justice Act by the petitioner in the FIR no.320/2014 for commission of offence under Sections 143, 341, 323, 382 and 395 IPC was rejected.

At the threshold the learned counsel for the petitioner submits that the co-accused Amzad @ Kirta S/o Mohd. Akram and Aslam S/o Rammzuddin Silawat who were also juvenile have already been granted bail by the coordinate

bench of this Court vide order dated 13.10.2014 passed in Cr. Revision Petition No.1026/2014 and case of the petitioner is not distinguishable from the case of aforesaid persons, therefore, this revision petition may kindly be accepted and both the orders impugned may be quashed and petitioner may be released on bail.

The learned Public Prosecutor does not dispute the fact of granting bail by this Court to the co-accused persons of FIR no.320/2014 registered at Police Station Ladnu, District Naguar in which the present petitioner is also accused, but submits that now-a-days, it appears that teenagers and students are usually putting cloths upon their face and hiding their identity either to commit offence or to disrobe the peace, therefore, the petitioner being juvenile and has committed an offence under Section 383 and 395 IPC deserves not indulgence.

As per the contention of the learned Public Prosecutor some self-restriction is required to check the public peace and offences committed by the teenagers and students.

In view of the above, this revision petition is hereby allowed and both the orders dated 20.11.2014 and 18.11.2014 are quashed and set aside and it is ordered that the accused petitioner Ayub Ali S/o Murad Khan who is juvenile may be released on furnishing a personal bond of Rs.50,000/- of his natural guardian Nabbu Khan S/o Kasam Khan alongwith two sureties of Rs.25,000/- each with the

conditions that he will not allow the petitioner to indulge again in the criminal case and he will remain present during trial.

However, in the facts and circumstances of the case and looking to the number of the cases committed by the juvenile, teenagers and youths, this Court feels that the State Government is required to take serious action in this regard, of course, there is liberty left with the citizen to use any vehicle as per their choice, but at the same time, on public way, they cannot be permitted to hide their identity by putting cloths upon face without any rhyme or reason. Of course, for special reasons, they can be permitted to put cloths upon their face while driving the vehicle but not in general, therefore, while exercising jurisdiction under Section 482 Cr.P.C., I deem it appropriate to give the following directions to the State Government for taking necessary action to put restriction upon hiding the identity by the vehicle drivers:

- (i) **The State Government is directed to issue directions to all the District Police authorities to see that vehicle drivers should not put cloths upon their whole face at the time of driving the vehicle either on two wheeler or on four wheeler and also issue directions to the traffic police to seriously watch the vehicle drivers who put cloths upon their face**

and may not allow any vehicle driver to hide his identity by putting cloths upon his face and if any vehicle driver is found putting cloths upon their face, then action may be taken against them under the provisions of preventive measures under the Cr.P.C.;

- (ii) That it is made it clear that for the purpose of saving the face from natural calamity, i.e., in heavy sunlight and/or heavy winter season, some relaxation may be given to the vehicle drivers but not in general.
- (iii) Copies of this order be sent to the Chief Secretary, Government of Rajasthan, Jaipur, Home Secretary, Government of Rajasthan, Jaipur and the Director General of Police, Government of Rajasthan, Jaipur respectively for compliance and necessary action.

(GOPAL KRISHAN VYAS),J.

cpgoyal/-