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prosecution on that basis afresh – Inherent power of court in dealing with an extraordinary situation is in the larger interest of administration of justice and for preventing manifest injustice being done – Thus, it is a judicial obligation on court to undo a wrong in course of administration of justice and to prevent continuation of unnecessary judicial process – It may be so necessary to curb the menace of such criminal prosecution – Complaint filed u/s 3(1)(viii) of 1989 Act is quashed – Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 – s.3(1)(viii)

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him, must only be upon the aid and advice of Council of Ministers – Therefore, appointment of Lokayukta can be made by the Governor, as Head of State, only with aid and advice of Council of Ministers, and not independently as a Statutory Authority.

(Also see under: Gujarat Lokayukta Act, 1986)  
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Testimony of related witnesses – Murder committed in a farm house – Brother and sister of deceased witnessed the incident – Held: When deceased was in one part of the house, while witnesses and other blood relatives were in some other portion, there would not have been any difficulty for them in rushing to deceased, who was making a frantic call for help on being attacked by accused with dangerous weapons – Their version was cogent, natural and convincing and there was no good ground to reject their version on sole ground that they were interested witnesses.

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officers on duty had certified that the deceased was fully conscious and was in a fit state of mind to make the same – Though, in one of the statement, the deceased implicated two more persons (who were acquitted by trial court) she was consistent about the role played by her mother-in-law and sisters-in-law (appellants) – The Court fully endorses the view expressed by trial court and affirmed by High Court about acceptability of four dying declarations implicating the appellants.

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(Also see under: Penal Code, 1860)

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(ii) s.3 – Appointment of Lokayukta – Process of consultation – Chief Justice of State recommending

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(iii) s.3 – Appointment of Lokayukta – Held: Chief Justice recommending only one name, instead of a panel of names, is in consonance with the law laid down by Supreme Court, and there is no cogent reason not to give effect to the said recommendation.

(iv) s.3 – Delay in appointment of Lokayukta – Held: Statutory provisions make it mandatory on the part of the State to ensure that the office of Lokayukta is filled up without any delay.

(Also see under: Constitution of India, 1950)

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Amendment was necessitated since State Legislature thought that the provision of s.173-A (un-amended) stood as an impediment for proper planning of urban areas – With a view to ensure planned and regulated development of urban areas, it was felt that some restrictions have to be imposed and it was for that purpose that s.173-A was amended – In the case at hand, the demand was legal and valid and in accordance with the provisions of s.173-A, as inserted by Amendment Act 19 of 1999 read with the 2000 Rules – Rajasthan Municipalities (Change of Land Use) Rules, 2000 – r. 4(1).

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