HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Revision Petition No. 178/2025

Surjan Ram S/o Hanumana Ram, Aged About 38 Years, R/o Ranasar Kallan, Ps Dhorimanna, Dist. Barmer.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Sarwan Kumar S/o Hariram, R/o Jalberi, Ranasar Kallan, Ps Dhorimanna, Dist. Barmer. (Lodged In Dist. Jail Barmer)
3. Gopal S/o Raju Ram, R/o Gadra Nedinadi, Ps Dhorimanna, Dist. Barmer. (Lodged In Dist. Jail Barmer)
4. Mangilal S/o Surjan Ram, R/o Jalberi, Ranasar Kallan, Ps Dhorimanna, Dist. Barmer. (Lodged In Dist. Jail Barmer)
5. Mahipal S/o Punmaram, R/o Siyago Ka Vas, Koja, Ps Dhorimanna, Dist. Barmer. (Lodged In Dist. Jail Barmer)

----Respondents

For Petitioner(s)	:	Mr. R.J. Punia
For Respondent(s)	:	Mr. Narendra Gehlot, PP assisted by Mr. Omprakash Choudhary

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HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

10/02/2025

The present revision petition has been filed by the petitioner/complainant against the order dated 21.01.2025 passed by learned Additional District and Sessions Judge No.1, Barmer in Sessions Case No.05/2025, whereby the trial court has ordered to frame charges against the accused-respondent Nos.2 to 5 for offence punishable under Sections 126(2), 115(2)/3(5), 117(1)/3(5), 140(3)/3(5), 109(1)/3(5), 354(4)(5)/3(5) of BNS.

Learned counsel for the petitioner submits that as per the injury report of the victim Surjan Ram, there are multiple fractures on his body and all the injuries were found to be grievous in nature, therefore, looking to the injuries sustained by

the victim, the learned trial court ought to have frame charge for offence under Sections 117(2), 118(1) & 118(2) of B.N.S. against all the accused-persons. However, the learned trial court has taken a lenient view towards the accused-persons by not framing charges under the aforesaid Sections. Therefore, the impugned order dated 21.01.2025 passed by learned Additional District and Sessions Judge No.1, Barmer may kindly be modified to the aforesaid extent.

Learned Public Prosecutor oppose the prayer made by learned counsel for the petitioner.

I have considered the arguments advanced before me as well as carefully gone through the material available on record.

According to the injury report of injured Surjan Ram, grievous injuries have been found on his body and taking into consideration the injuries sustained by the victim, the learned trial court has already framed the charge for offence under Section 109(1)/3(5) of B.N.S., which is an offence of higher degree, so there is no reason to frame the charge for offence under Sections 117(2), 118(1) & 118(2) of B.N.S. separately. Therefore, no interference is called for in the impugned order dated 21.01.2025 passed by learned Additional District and Sessions Judge No.1, Barmer. The revision petition being bereft of any force, is hereby dismissed.

The revision petition disposed of accordingly.

The stay application also stands dismissed.

(MANOJ KUMAR GARG),J

28-GKaviya/-