HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Revision Petition No. 474/2024

1. Lrs Panchu Ram, Through Lrs
2. Kalu Ram S/o Shri Panchu Ram, Aged About 38 Years, B/c Harijan R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Bhiyan Ram S/o Shri Miyal Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
3. Chatura Ram S/o Shri Bhola Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
4. Kanudi W/o Shri Chatura Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
5. Bofa Ram S/o Shri Maga Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
6. Sugnai W/o Bofa Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
7. Shankar Ram S/o Shri Chatura Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
8. Bheru Ram S/o Shri Alfu Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
9. Kamli W/o Shri Misa Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
10. Rata Ram S/o Shri Chautha Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
11. Shravan Ram S/o Chotha Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
12. Chaina Ram S/o Shri Ratna Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
13. Gopal S/o Shri Misa Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
14. Sugnai W/o Shri Ratna Ram, R/o Village Paldi Kallan Tehsil Degana Dist Nagaur (Raj)
15. Chena Ram S/o Shri Sugna Ram, R/o Bhukron Ki Dhani Paldi Kallan Tehsil Degana Dist Nagaur (Raj)

16. Ram Lal S/o Shri Purkha Ram, B/c Jat R/o Nimbdi Kallan Tehsil Degana Dist Nagaur (Raj)

----Respondents

For Petitioner(s) : Mr. Om Prakash Joshi
For Respondent(s) :

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

09/01/2025

Instant revision petition has been filed by the petitioner against the order dated 06.02.2024 passed by learned Special Judge, SC/ST (Prevention of Atrocities Act) Cases No.3, Merta whereby the learned Judge dismissed the protest petition and accepted the FR filed by the police in FIR No. 135/2016, P.s.padu Kalan, District Nagaur.

Brief facts of the case are that the father of complainant Panchu Ram filed a complaint before the Superintendent of Police, Nagaur stating therein that on 05.07.2016, when he was cultivating the agricultural field alongwith his wife and son, the accused persons forcibly entered into their field armed with *Kasiya, Kaavadiya, Jaiya* etc and assaulted his son Kalu Ram and tried to kill him by running over the tractor. When the complainant and his wife tried to rescue their son, the accused persons beaten them. It was also alleged that the accused persons hurled caste abuses and stole their tractor and some money.

On the basis of said complaint, FIR No. 135/2016 was registered for the offence under Sections 143, 447, 323, 354, 379 IPC and Section 3(1) of SC/ST (Prevention of Atrocities) act and

after investigation, the police submitted FR that no case is made out against the accused respondents. The petitioner filed a protest petition before the learned trial court. After considering the evidence collected during investigation and recording statement of witnesses, the court of learned Special Judge, SC/ST (Prevention of Atrocities) Cases No.3, Merta accepted the Final Report and rejected the protest petition vide order dated 06.02.2024.

Counsel for the petitioner submits that without considering the material aspect of the matter, the trial court mechanically rejected the protest petition filed by the petitioner. It is argued that on the basis of statement of the complainant and witnesses recorded, a prima facie case is clearly made out against the accused respondents. It is argued that the investigating officer has not investigated the matter in correct perspective and therefore, it is prayed that the matter may be remanded back to the trial court for passing a fresh order in accordance with law.

Learned Public Prosecutor supported the impugned order and submitted that the trial court has discussed each and every aspect of the matter and has rightly rejected the protest petition, which does not call for any interference.

Heard the learned counsel for the parties and perused the order impugned so also the record.

It is not disputed that after thorough investigation, the police submitted a final report to the effect that no case is made out against the respondents as the petitioner failed to make out a prima facie case against the respondents. Learned trial court after considering the Final report submitted by the police, rejected the

protest petition on the said ground by way of a detailed order. In the opinion of this Court, no plausible ground exists for disbelieving the negative Final report filed by the police after thorough investigation. Learned court below after considering the entire material on record, has accepted the Final report filed by the police. There is no illegality or perversity in the impugned order dated 06.02.2024. Hence, this revision petition is hereby dismissed. Stay petition is also dismissed.

Record of the trial court be sent back forthwith.

(MANOJ KUMAR GARG),J

10-BJSH/-