HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Revision Petition No. 664/2024

Manoj Kumar S/o Sh. Debu Ram, Aged About 33 Years, R/o Ward No. 3, Ratangarh Teh Ratangarh Dist Churu.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Vikash Singh S/o Udai Singh, R/o Jaleu Teh Ratangarh Dist Churu.
3. Jagdish Singh @ Jaggu S/o Dilip Singh, R/o Bika Bass, Ratangarh Teh Ratangarh, Dist Churu.

----Respondents

For Petitioner(s)	:	Mr. R.S. Choudhary Mr. Jai Kishan Suthar
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Om Prakash Choudhary Mr. Pankaj Kumar Gupta

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HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

Order Reserved on : 06/02/2025

Date of pronouncement: 12/02/2025

Instant criminal revision petition has been filed by the petitioner against the order dated 30.04.2024 passed by the learned Additional Sessions Judge, Ratangarh, District Churu by which the trial court rejected the application filed by the petitioner under Section 193 Cr.P.C and refused to take cognizance against the accused-respondents.

Counsel for the petitioner submits that in the FIR, the complainant has specifically named the respondent no.2 Vikesh Singh and respondent No.3 Jagdish Singh for their active participation. It is argued that Manoj Kumar and Rajkumar in

their statements have clearly stated that Vikesh Singh and Jagdish Singh were involved in the crime. Further, a perusal of the postmortem report would show that number of injuries were found on the body of deceased. The police has recovered certain videos and in one of the video, the respondent no.2 Vikesh Singh and respondent no.3 Jagdish Singh were seen present at the site and it cannot be said that the accused respondents have not participate in the crime. The police without taking into consideration the entire evidence, mechanically filed negative FR exonerating the accused respondents No.2 & 3, therefore, the impugned order passed by the trial court rejecting the application filed by the petitioner under Section 193 Cr.P.C is wholly illegal and same is liable to be set aside. Counsel for the petitioner placed reliance on the order passed by this Court in the case of Dharampal Saharan Vs. State reported in 2024(1) Cr.L.R. (Raj.) 452.

Per contra, counsel for the respondents Mr. Pankaj Gupta argued that the police after thorough investigation has filed negative FR with respect to respondents No.2 & 3 and there is no question of disbelieving the same. So far as the videos are concerned, the respondents No.2 & 3 were only seen present and no active role has been assigned to them, therefore, the trial court has rightly rejected the application filed by the petitioner under Section 193 Cr.P.C.

I have heard rival contention of the parties and carefully gone through the record.

It is not disputed that the complainant in the FIR has specifically named the respondents No. 2 & 3 but no active role

has been assigned to them in the FIR. In one of the videos, the respondent no.2 Vikesh Singh is seen and as per transcript, the persons were talking to put the deceased in the vehicle. So far as respondent no.3 Jagdish Singh is concerned, as per video transcript, someone is asking Jagdish Singh as to where is the Camphor vehicle, except this, no words were uttered against respondent no.3. None of the witnesses have named the respondent no.3 Jagdish Singh in their statements recorded under Section 161 Cr.P.C.

In the opinion of this Court, prima facie case is made out against the respondent no.2, therefore, the trial court has committed an error in rejecting the application filed by the petitioner under Section 193 Cr.P.C qua respondent no.2.

Accordingly, the present revision petition is partly allowed. The impugned order dated 30.04.2024 passed by the learned Additional Sessions Judge, Ratangarh, District Churu rejecting the application filed by the petitioner under Section 193 Cr.P.C. qua respondent no.2 is hereby set aside. There is no illegality or perversity in the impugned order with respect to respondent no.3 Jagdish Singh @ Jaggu. The trial court is directed to pass a fresh order on the application filed by the petitioner under Section 193 Cr.P.C. in respect of respondent no.2 Vikesh Singh, in accordance with law.

Stay petition also stands disposed of.

(MANOJ KUMAR GARG),J

147-BJSH/-