HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Appeal (Sb) No. 2429/2023

Bhagga S/o Late Shri Haringa, Aged About 70 Years, R/o Aamliyo Ki Magri, Bhuwana, Tehsil Badgaon, Dist. Udaipur

----Appellant

Versus

State Of Rajasthan, Through Pp

----Respondent

For Appellant(s)	:	Mr. Raj Singh Bhati Mr. Ashok Upadhyaya
For Respondent(s)	:	Mr. Kuldeep Singh Kumpawat, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

07/02/2025

The present criminal appeal has been filed by the appellant against the order dated 05.07.2023 passed by learned Special Judge, SC/ST (Prevention of Atrocities Act) Cases, Udaipur whereby the learned Judge dismissed the protest petition and accepted the FR filed by the police in FIR No. 326/2018 lodged at P.S. Sukher, District Udaipur.

Brief facts of the case are that the complainant appellant lodged FIR at the Police station, Sukher for offence under Sections 420, 406, 467, 468, 471, 120B IPC and Section 3 of the SC/ST (Prevention of Atrocities) Act stating therein that the accused Jagannath Patel and his wife Smt. Magni Bai hatched a conspiracy and while preparing forged and fabricated documents, got the ancestral land registered in their name.

The police after thorough investigation, submitted FR that no case is made out against the accused respondents. The appellant

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, Udaipur accepted the Final Report and rejected the protest petition vide order dated 05.07.2023.

Counsel for the appellant submits that without considering the material aspect of the matter, the trial court mechanically rejected the protest petition filed by the appellant. It is argued that the accused persons took benefit of illiteracy of appellant's father and obtained signatures on blank papers and took the land without paying single penny to the appellant. It is further argued that the alleged thumb impressions were also not got examined through FSL by the police before submitting the negative FR. Therefore, 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 appellant 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 05.07.2023. Hence, this appeal is hereby dismissed. Stay petition also stands dismissed.

(MANOJ KUMAR GARG),J

1-BJSH/-