HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 6780/2026
CNR: RJHC010779812026 | URN: CRLMP / 11912U / 2026

Pradeep Dave S/o Shri Pukhraj Dave, Aged About 49 Years, R/o Deen Haveli Brahampuri Mahamandir Jodhpur Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through PP.
2. Smt. Sunita Prajapat W/o Shri Prem Kumar, R/o Nearby Street Of Sardarmal Sabji Bhandar Goal Building First B Road Sardarpura Jodhpur Rajasthan
3. Prem Kumar Prajapat S/o Shri Sadarmal, R/o Nearby Street Of Sardarmal Sabji Bhandar Goal Building First B Road Sardarpura Jodhpur Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Praveen Dayal Dave Mr. Dharmendra Singh Gaur
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. Mahendra Prajapat for private respondents

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HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/08/2026

1. By way of filing the present criminal miscellaneous petition, the petitioner has challenged the order dated 29.05.2026 passed by the Court of learned Additional Chief Judicial Magistrate No.05, Jodhpur Metropolitan, in Case No.31714/2014, as well as the order dated 28.07.2026 passed by the learned District & Sessions Judge, Jodhpur Metropolitan, in Criminal Revision Petition No.277/2026, affirming the order of the learned Additional Chief Judicial Magistrate. The petitioner has further prayed that one final opportunity be granted to him to produce witnesses before the learned trial Court.

2. Heard learned counsel for the parties and perused the impugned orders.

3. Upon perusal of the case record, this Court prima facie finds that sufficient opportunities had been granted by the learned trial Court to the petitioner to produce the witnesses; however, he failed to avail of the same. Nevertheless, having regard to the principles of natural justice and the petitioner's right to a fair trial, this Court deems it just and proper to grant last opportunity to the petitioner to produce the witnesses before the learned trial Court on the next date, subject to payment of a cost of Rs.3,000/- to the private respondents through their counsel.

4. It is made clear that no further opportunity for producing the witnesses shall be granted to the petitioner.

5. Consequently, the order dated 29.05.2026 passed by the Court of learned Additional Chief Judicial Magistrate No.05, Jodhpur Metropolitan, in Case No.31714/2014, as well as the order dated 28.07.2026 passed by the learned District & Sessions Judge, Jodhpur Metropolitan, in Criminal Revision Petition No.277/2026, are hereby quashed and set aside.

6. With the above observation and direction, the present criminal miscellaneous petition stands disposed of.

7. The stay application also stands disposed of.

(KULDEEP MATHUR),J

23/Dinesh Suthar