

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 36/2025

Manoj Kumar S/o Suresh Chandra Soni, Aged About 46 Years, R/
o Sangariya Road Hanumangarh Junction Dist. Hanumangarh,
Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Director General Of Police, Rajasthan
3. Superintendent Of Police, Dist. Hanumangarh.
4. Sanjay Bothara, Sho Then Hanumangarh Junction Dist.
Hanumangarh.

-----Respondents

For Petitioner(s)	:	Mr. Narayan Dan
For Respondent(s)	:	Mr Sri Ram Choudhary, AGA Mr. Ram Chandra Kaswan Police Inspector, SHO Hanumangarh Junction

HON'BLE MR. JUSTICE FARJAND ALI

Order

24/02/2026

1. The petitioner, by invoking the revered provisions of Article 226 of the Constitution of India, has approached this Hon'ble Court with the earnest prayer to issue appropriate directions for the traceability of misappropriated stolen articles that were unlawfully seized by the police officers. This writ petition seeks justice for the grievous violation of the petitioner's rights, caused by the misconduct of public servants, and for a thorough investigation to be conducted into the matter, as specifically mandated by the learned Chief Judicial Magistrate, Hanumangarh, in his judgment dated

30.08.2018, rendered in Criminal Case No. 762/2011, stemming from FIR No. 743/2010, registered at Hanumangarh Junction Police Station.

2. Aggrieved by the blatant inaction and the abject failure of the respondents to comply with the explicit directions of the trial court, the petitioner seeks the intervention of this Hon'ble Court to ensure the enforcement of the judicial orders and hold the accountable officials to task. With this objective, the petitioner prays for the following reliefs:

a. That by an appropriate order or direction, this Criminal Writ Petition be allowed in its entirety and the petitioner be granted the relief sought herein.

b. That by an appropriate order or direction, the respondents be directed to produce before this Court the action taken report or enquiry report in accordance with the judgment passed by the Chief Judicial Magistrate, Hanumangarh, on 30.08.2018 (Annexure-2), and to furnish the details of the actions taken by the authorities.

c. That by an appropriate order or direction, the respondents be directed to provide a comprehensive explanation as to why no enquiry was conducted despite the clear and unambiguous order of the trial court, along with justifications for their failure to abide by the court's order. Additionally, the petitioner seeks compensation for the losses suffered due to the wrongful acts of public servants, who, through fraudulent investigation and abuse of their power, misappropriated the petitioner's articles,

substituting the original stolen items with forged ones.

d. That by an appropriate order or direction, in the event that a thorough enquiry is conducted and any cognizable offence is found to have been committed, or if evidence of forgery, such as falsified signatures, is discovered through forensic examination, an FIR be duly registered against respondent No. 4 and any other individuals found to be involved in the unlawful act.

3. I have heard the counsel for the parties at length and have carefully considered their submissions. Additionally, I have gone through the judgment dated 30.08.2018, along with the relevant materials placed before the Court, including the factual report dated 23.02.2026 filed by the State. The matter has been examined with due regard to the applicable law and the facts presented by both the parties.

4. The facts of the case, though unfortunate and disheartening, are as follows: the petitioner, a law-abiding shopkeeper, reported a grave act of burglary (FIR No. 743/2010) at his establishment situated in Hanumangarh Junction, wherein valuable gold and silver ornaments, along with other precious articles, were stolen. Following this criminal act, the authorities initiated investigations, leading to the arrest of the accused, and a charge sheet was duly filed under Sections 457 and 380 of the Indian Penal Code (IPC).

4.1. The petitioner, as Prosecution Witness (PW-8), later disowned the recovered articles presented in the trial court,

firmly asserting that the police had substituted the original stolen articles with artificial ones. In light of these serious allegations, the trial court, by its judgment dated 30.08.2018, directed the higher police authorities to take immediate action against the then Station House Officer (SHO), Shri Sanjay Bhothra, and the investigating officer involved in the case, and to submit a report detailing the actions taken.

4.2. The learned trial court, upon reviewing the evidence, particularly the petitioner's testimony, observed that the petitioner had made serious allegations against the then SHO, Shri Sanjay Bhothra, of misappropriating the original stolen goods and replacing them with counterfeit articles. The court, acknowledging the gravity of these accusations, directed the higher police authorities to take appropriate action and provide a report regarding the same.

4.3. The trial court's observations were clear and unequivocal, underscoring the need for accountability and ensuring that the public officers responsible for such misconduct were held to account for their actions. The trial court, in its wisdom, directed that an enquiry be conducted into the petitioner's allegations of the substitution of stolen items and the possible involvement of the police officers in such misdeeds.

4.4. Despite the lapse of more than seven years, no meaningful action appears to have been undertaken by the

concerned authorities in furtherance of the directions issued by the learned trial court. The petitioner, in the interregnum, made several attempts to seek redressal of his grievance through lawful means; however, all such endeavours proved futile and yielded no tangible result. The persistent inaction on the part of the authorities compelled the petitioner to approach this Court by way of the present writ petition, invoking its extraordinary jurisdiction in the hope of securing appropriate relief.

4.5. Upon issuance of notice, this Court directed the respondents to place their response on record. In compliance with the said direction, the respondent-State, through the learned Additional Government Advocate (AGA), has submitted a factual report dated 23.02.2026, which has been produced before this Court for its careful consideration and perusal.

4.6. A perusal of the said report discloses a rather disturbing state of affairs. It unequivocally records that, despite the explicit directions issued by the learned Trial Court, no steps whatsoever have been taken by the concerned police station to give effect to those directions. The report further indicates that the officials at the police station have neither initiated any preliminary proceedings nor received any formal communication or instructions from the competent authorities to commence the enquiry contemplated by the Court.

4.7. As a result, the matter has languished in a state of administrative stagnation. The directions of the learned Trial Court remain unexecuted, and the process envisaged by the Court has yet to be set in motion. Such persistent inaction reflects a serious lapse in institutional diligence and highlights the regrettable circumstance that, despite the lapse of a substantial period of time, the grievance raised by the petitioner has yet to receive due attention or resolution.

4.8. The report provides a detailed overview of the original case, the trial, and its culmination, but it conspicuously acknowledges that no action has been taken to implement the trial court's observations. This failure to act in compliance with a judicial order is deeply troubling, as it not only undermines the integrity of the judicial process but also raises concerns about the conduct of the public officers involved.

4.9. It is a matter of great concern that, despite the clear and final orders of the trial court, the authorities have willfully failed to comply with the judicial directives. It is a well-established principle that once a judicial order attains finality, it cannot be reversed, modified, or set aside except through a higher judicial forum. The failure to act upon such an order is a grave violation of the rule of law.

4.10. The allegations leveled by the petitioner are of a very serious nature, involving public servants who have been accused of misappropriating the articles in possession

through fraudulent and unlawful means. Although this Court refrains from commenting on the veracity of these allegations at this juncture, it is imperative that an inquiry be initiated to ascertain whether the original stolen articles were indeed replaced with artificial goods by the police officers involved in the case. Such an inquiry is necessary to uphold justice, accountability, and transparency within the police force.

5. In light of the grave nature of the allegations and the failure to comply with judicial orders, this Court directs the following:

a. The Home Secretary, Government of Rajasthan and the Director General of Police, Rajasthan, Jaipur shall be immediately apprised of this matter. The Court further directs that a responsible officer, not below the rank of an Indian Police Service (IPS) officer, be appointed to conduct a thorough and impartial inquiry into the allegations raised by the petitioner, particularly in relation to the trial court's judgment dated 30.08.2018.

b. The inquiry shall be completed within a period of four months from the date of receipt of this order, and the findings of the inquiry shall be communicated to this Court. In the event that any criminal wrongdoing, including misappropriation, forgery, or abuse of power, is found, appropriate legal action, including the registration of an FIR,

shall be taken against the guilty officers and any individuals found to be involved.

6. With the above-stated observations and directions, the instant Criminal Writ Petition stand disposed of, along with all pending applications, if any. The Court underscores the importance of ensuring that judicial orders are complied with and affirms the necessity for transparency, accountability, and justice in all matters involving public servants. It is the duty of this Court to uphold the rule of law and to ensure that any violation of the same is rectified in the interest of justice.

7. Let a copy of this order be forwarded to the Home Secretary, Government of Rajasthan and the Director General of Police, Rajasthan, Jaipur.

(FARJAND ALI),J