

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

S.B. Civil Writ Petition No. 1805/2023

Kamaldan Charan S/o Shri Mooldan Charan, Aged About 45 Years, By Caste Charan, R/o House No. H-40, Sunder Nagar, Beawar Road, P.s. Ramganj, District Ajmer (Raj.) At Present Posted As Sub Inspector, District Special Branch, Rajasthan Police, Kota City (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Home Affairs, Government Of Rajasthan, Jaipur (Raj.)
2. The Director General Of Police, Rajasthan Police, Jaipur (Raj.)
3. The Police Commissioner, Police Commissionerate, Jodhpur (Raj.)

-----Respondents

For Petitioner(s) : Mr. Sanjeet Purohit

JUSTICE DINESH MEHTA

Order

02/02/2023

1. Inviting Court's attention towards the charges framed against the petitioner pursuant to memorandum dated 28.12.2022 (Annexure.14), Mr. Sanjeet Purohit, learned counsel for the petitioner argued that the allegation and charges are identical to ones which are involved in the criminal case pending against the petitioner in furtherance of the FIR No.70 dated 03.06.2017.
2. It is further stated that list of witnesses also shows that most of the witnesses are also the same, who are witnesses in criminal case which the petitioner is facing.

3. Having highlighted above facts, learned counsel argued that the if the disciplinary proceedings against the petitioner in furtherance of the memorandum dated 28.12.2022 (Annexure.14) is allowed to continue, it will effect petitioner's defence in criminal case and will lead to unwarranted harassment.
4. Matter requires consideration.
5. Issue notice. Issue notice of stay application also, returnable within six weeks.
6. Meanwhile, disciplinary proceedings against the petitioner in furtherance of memorandum dated 28.12.2022 (Annexure.14) shall remain stayed.

(DINESH MEHTA),J